



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

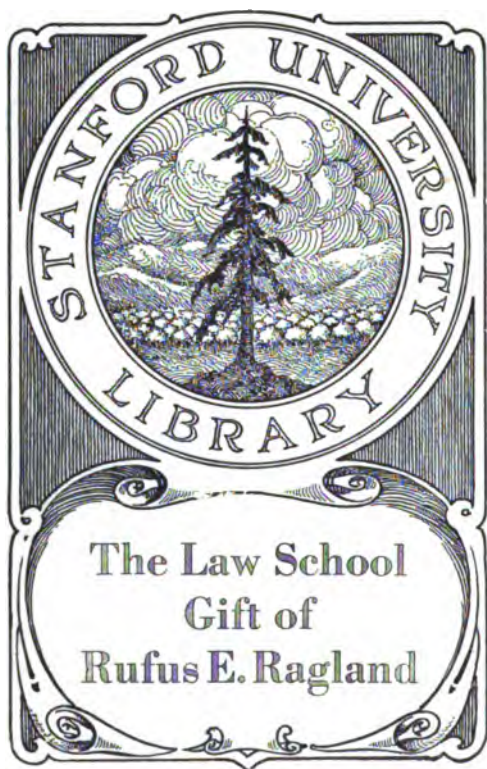
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

WALT M. SEELY,
SECRETARY SENATE.



Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to fading and bleed-through. It appears to contain the words "Handwritten" and "List".

111

111



L A W S,
JOINT RESOLUTIONS, AND MEMORIALS,

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF THE

STATE OF NEBRASKA,

AT ITS

TWENTY-FIRST SESSION,

BEGUN AND HELD AT THE CITY OF LINCOLN, JANUARY 1, 1889.

PUBLISHED BY AUTHORITY.

OMAHA:


HENRY GIBSON, STATE PRINTER.

1889.

361318

STATE OF NEBRASKA, } ss.
SECRETARY'S OFFICE.

I, Gilt L. Laws, secretary of state of the state of Nebraska do hereby certify that I have carefully examined and compared the annexed copies of the laws, joint resolution and memorials passed by the legislature of said state its twentieth session with the original rolls on file in this office, and that the same are true copies thereof.

 In testimony whereof, I have hereunto set my hand and affixed the great seal of the state of Nebraska.

Done at Lincoln this first day of July, in the year of our Lord one thousand eight hundred and eighty-nine, of the independence of the United States the one hundred and thirteenth, and of this state the twenty-third.

(Signed)

G. L. LAWS,
Secretary of State.

PREFACE.

THE marginal notes of this volume of laws will show the volume of statutes where any prior law upon the same subject may be found. The volume of statutes published in 1866 is referred to as "Rev. Stat.," and that published in 1873 as "Gen. Stat." The legislature adjourned Mar. 31, 1889. Where there is no emergency clause in any of these acts, by force of Sec. 24, Art. III. of the Constitution, they could not take effect at all until July 1, 1889, three calendar months after the adjournment of the legislature. But under an act approved February 25, 1873, "concerning the enacting and regulating of statutes," "Gen. Stat.," 1056, all acts silent on the subject take effect July 1, 1889. See opinion of the supreme court in *Roesink v. Barnett*, 8 Nebraska Reports, 146.

G. L. LAWS,

Secretary of State.

STATE OFFICERS.

1889-90.

Hon. JOHN M. THAYER, Governor.
Grand Island.

Hon. GEORGE D. MEIKLEJOHN, Lieutenant-Governor.
Fullerton.

Hon. G. L. LAWS, Secretary of State.
McCook.

Hon. J. E. HILL, Treasurer.
Beatrice.

Hon. T. H. BENTON, Auditor Public Accounts.
Lincoln.

Hon. JOHN STEEN, Commissioner Public Lands and Buildings.
Wahoo.

Hon. WILLIAM LEESE, Attorney-General.
Seward.

Hon. GEORGE B. LANE, Superintendent Public Instruction.
Omaha.

JUDICIARY.

SUPREME COURT OF NEBRASKA.

Chief Justice	Hon. M. B. REESE.....	Wahoo.
Associate Justices..	{ Hon. AMASA COBB.....	Lincoln.
	{ Hon. SAMUEL MAXWELL.....	Fremont.
Attorney-General.....	Hon. WILLIAM LEESE	Seward.
Clerk and Reporter.....	Hon. GUY A. BROWN.....	Lincoln.
Deputy.....	Hon. HILAND H. WHEELER.....	Lincoln.

DISTRICT COURTS OF NEBRASKA.

- First District—Hon. J. H. BROADY, Hon. THOMAS APPELEGET, Judges. Counties: Gage, Johnson, Nemaha, Pawnee and Richardson.
- Second District—Hon. SAM. CHAPMAN, Hon. ALLEN W. FIELD, Judges. Counties: Cass, Lancaster and Otoe.
- Third District—Hon. E. WAKELEY, Hon. LEWIS A. GROFF, Hon. M. R. HOPEWELL, Hon. GEORGE W. DOANE, Judges. Counties: Burt, Douglas, Sarpy and Washington.
- Fourth District—Hon. A. M. POST, Hon. WM. MARSHALL, Judges. Counties: Butler, Colfax, Dodge, Merrick, Nance, Platte and Saunders.
- Fifth District—Hon. W. H. MORRIS, Judge. Counties: Clay, Fillmore, Jefferson, Nuckolls, Saline and Thayer.
- Sixth District—Hon. T. L. NORVAL, Judge. Counties: Hamilton, Polk, Seward and York.
- Seventh District—Hon. W. F. NORRIS, ISAAC POWERS, JR., Judges. Counties: Antelope, Cedar, Cuming, Dakota, Dixon, Knox, Madison, Pierce, Stanton and Wayne, and Winnebago and Omaha Reservations, and the unorganized territory north of Knox County.
- Eighth District—Hon. WM. GASLIN, JR., Judge. Counties: Adams, Franklin, Harlin, Kearney, Phelps and Webster.

Ninth District—Hon. F. B. TIFFANY, Hon. T. O. C. HARRISON, Judges. Counties: Blaine, Boone, Greeley, Garfield, Hall, Howard, Loup, Thomas, Valley and Wheeler, and the unorganized territory west of Thomas County.

Tenth District—Hon. F. G. HAMER, Hon. A. H. CHURCH, Judges. Counties: Buffalo, Cherry, Custer, Dawson, Keith, Lincoln, Logan, Perkins, Sherman, Cheyenne, Deuel, Scott's Bluff, Kimball and Banner, and the unorganized territory west of Logan County.

Eleventh District—Hon. J. E. COCHRAN, Judge. Counties: Chase, Dundy, Furnas, Frontier. Gosper, Hayes, Hitchcock and Red Willow.

Twelfth District—Hon. M. P. KINKAID, Judge. Counties: Box Butte, Cherry, Dawes, Holt, Keya Paha, Sheridan and Sioux, and the unorganized territory north of Holt and Keya Paha Counties.

NEBRASKA LEGISLATURE—TWENTY-FIRST SESSION.

OFFICERS AND MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

OFFICERS OF THE SENATE.

HON. GEO. D. MEIKLEJOHN, LIEUTENANT-GOVERNOR.

Names	Occupation	Postoffice	County	Nativity	Age	Married or Single	Politics
Church Howe, President pro tem.	Farm'r & bank'r.	Auburn.	Nemaha.	Mass.	...	Married.	Rep.
Rev. J. G. Tate, Chaplain.	Presb'n ministr.	Shelton.	Buffalo.	Eng.	38	Married.	Rep.
Walt. M. Seeley, Secretary.	Printer.	Bennet.	Lancaster.	Ill.	40	Married.	Rep.
Joe H. Easterday, First Assistant Secretary.	Lawyer.	Tecumseh.	Johnson.	Ill.	25	Single.	Rep.
S. L. Roberts, Second Assistant Secretary.	Editor.	Tekamah.	Burt.	Iowa.	45	Married.	Rep.
H. M. Wells, Clerk Committee of the Whole.	Editor.	Crete.	Saline.	Wis.	41	Married.	Rep.
E. C. Parkinson, Sergeant-at-Arms.	General agent.	Seward.	Seward.	Irel'd.	46	Married.	Rep.
S. G. Bryan, Assistant Sergeant-at-Arms.	Miller.	Ashland.	Saunders.	Ind.	45	Married.	Rep.
Mrs. Lou. M. Hayes, Enrolling Clk.	Music teacher.	Omaha.	Douglas.	Iowa.	36	Widow.	Rep.
Miss Ada P. Olmstead, Engrossing Clerk.	Dressmaker.	Seward.	Seward.	N. Y.	32	Single.	Rep.
E. L. Gillespie, Doorkeeper.	Ins. ag't & att'y.	Valentine.	Cherry.	Tenn.	56	Married.	Rep.
T. D. Black, First Assistant Doorkeeper.	Merchant.	Fremont.	Dodge.	Penn.	60	Married.	Rep.
Wm. M. Erwin, Second Assistant Doorkeeper.	Farmer.	Alma.	Harlan.	Ill.	38	Married.	Rep.
W. H. Barger, Custodian.	Mechanic.	Hebron.	Thayer.	Ill.	42	Married.	Rep.
Walter L. Dawson, Bookkeeper.	Stock dealer.	Bennet.	Lancaster.	Ind.	23	Single.	Rep.
Miss Mary Donaldson, Stenog'r.	Stenographer.	Lincoln.	Lancaster.	Ind.	21	Single.	Rep.
M. E. Getter, Postmaster.	Real Estate.	Ord.	Valley.	N. Y.	40	Widower.	Rep.
J. B. Day, Assistant Postmaster.	Real Estate.	Stromsburg.	Polk.	Ohio.	43	Married.	Rep.

NEBRASKA LEGISLATURE—Continued.

OFFICERS OF THE SENATE.

Names	Occupation	Postoffice	County	Nativity	Age	Married or Single	Politics
Charles E. Miller, Bill Clerk.....	Farmer.....	Lincoln.....	Lancaster..	Penn.....	31	Single....	Rep.
Martin Dougherty, Janitor.....	Farmer.....	Lincoln.....	Lancaster..	Ire'd.....	44	Married..	Rep.
Wm. Dobson, Custodian Committee Rooms.....	Carpenter.....	Lincoln.....	Lancaster..	Can ..	52	Married..	Rep.
Robt. Hollingsworth, Cl'k Enr. and Eng. Bills.....	Lawyer.....	Nelson.....	Nuckolls...	Eng.....	59	Married..	Rep.
H. C. Beatty, Legislative Cl'k Com. P. L. and B.....	Editor.....	Wahoo.....	Saunders ..	Iowa..	31	Married..	Rep.
Jos. T. Mallieu, Legislative Cl'k Auditor's Office.....	Student.....	Kearney.....	Buffalo ..	Md....	21	Single....	Rep.
Thomas Pugh, Messenger Lieutenant-Governor.....	Student	Fullerton.....	Nance.....	Iowa..	17	Single....	Rep.
Karl Randall, Messenger Secretary of Senate.....	.....	Lincoln.....	Lancaster..	Colo....	14	Single....	Rep.
Geo. Redding, Page to Governor and Enr. Bills.....	.....	Lincoln.....	Lancaster..	Neb ..	15	Single....	Rep.
Frank Scott, Page to President of Senate.....	.....	Tecumseh.....	Johnson ..	Neb ..	14	Single....	Rep.
Roy McPherrin, Page to Com. Eng. and Enr. Bills.....	.....	Lincoln.....	Lancaster..	Iowa..	13	Single....	Rep.
Frank Cowdrey, Page to Secretary of State.....	.....	Columbus.....	Platte	Wis ..	14	Single....	Rep.

NEBRASKA LEGISLATURE—Continued.

MEMBERS OF THE SENATE.

Senators	Occupation	Post-office	County	Nativity	Age	Married or Single	Politics
Beardsley, S. W.	Far. and dairy'm.	Cheney	Lancaster	N. Y.	60	Married	Rep.
Burton, Geo. W.	Bktr. and lawy'r.	Orleans	Harlan	Ind.	41	Married	Rep.
Connor, A. H.	Lawyer	Kearney	Buffalo	Ind.	54	Married	Rep.
Cornell, C. H.	Bktr. and v'l esta.	Valentine	Cherry	N. Y.	34	Single	Rep.
Dern, John	Grain and lumbr.	Hooper	Dodge	Ger.	38	Married	Dem.
Funck, I. W.	Dentist	Beatrice	Gage	Penn.	40	Married	Rep.
Gallopy, Jas. J.	Merchant	Chapman	Merrick	Ohio	41	Married	Rep.
Hoover, John S.	Grain dealer	Blue Hill	Webster	Ind.	55	Married	Rep.
Howe, Church, President pro tem.	Far. and banker	Auburn	Nemaha	Mass.	49	Married	Rep.
Hurd, L. G.	Lawyer	Harvard	Clay	Ill.	38	Married	Rep.
Ijams, Wm. H.	Lawyer	Omaha	Douglas	Ohio	52	Married	Dem.
Jewett, L. H.	Banker	Broken Bow	Custer	Maine	37	Married	Rep.
Keckley, C. B.	Stock dealer	York	York	Ohio	41	Married	Rep.
Lindsay, J. P.	Lawyer	Beaver City	Purnas	Ohio	32	Married	Rep.
Linn, J. L.	Lumberman	Humboldt	Richardson	Ill.	47	Married	Rep.
Maher, Michael	Farmer	Platte Center	Platte	Irel'd.	55	Married	Dem.
Manning, J. R.	Stock feeder	Carroll	Wayne	Wis.	43	Married	Rep.
Nesbitt, J. I.	Lawyer	North Platte	Lincoln	Ohio	36	Married	Rep.
Norval, R. S.	Lawyer	Seward	Seward	Ill.	39	Married	Rep.
Paulsen, J. T.	Real estate	Omaha	Douglas	Ger.	51	Married	Dem.
Paxton, Wm. A.	Wholesale grocer	Omaha	Douglas	Ken.	52	Married	Dem.
Pickett, T. J., jr.	Printer	Ashland	Saunders	Ill.	37	Married	Rep.
Polk, M. D.	Lawyer	Plattsmouth	Cass	Ind.	30	Married	Rep.
Pope, John D.	Lawyer	Friend	Saline	Ill.	32	Single	Rep.
Ransom, F. T.	Lawyer	Nebraska City	Otoe	Mo.	37	Married	Rep.
Raymond, I. M.	Wholesale grocer	Lincoln	Lancaster	N. Y.	46	Married	Rep.
Robinson, J. C.	Lawyer	Hartington	Cedar	Ohio	38	Married	Rep.
Roche, J. J.	Banker	Neligh	Antelope	Wis.	40	Married	Rep.
Shanner, L. T.	Farmer	Inman	Holt	Ind.	30	Single	Rep.
Sutherland, J. R.	Merchant	Tecumseh	Burt	Can.	43	Married	Rep.
Taggart, F. D.	Lawyer	Hastings	Adams	Ohio	30	Single	Rep.
Wetherald, F. W.	Mill g and bankg.	Hebron	Thayer	Ind.	32	Married	Rep.
Wolbach, S. N.	Merchant	Grand Island	Hall	N. Y.	37	Married	Dem.

OFFICERS OF THE HOUSE.
HON. JOHN C. WATSON, SPEAKER.

Names.	Occupation.	Postoffice.	County.	Nativity.	Age	Married or Single.	Politics.
S. P. Dillon, Chaplain.....	Presby. minist'r.	Litchfield.	Sherman...	Ohio..	42	Single.	Rep.
Brad D. Slaughter, Chief Clerk..	Law and real esta.	Fullerton ..	Nance	N. Y. .	45	Married.	Rep.
Thos. M. Cooke, 1st Asst. Chf. Clk.	Lawyer.....	Lincoln ..	Lancaster..	Ohio..	26	Single.	Rep.
Clyde Barnard, 2d Asst. Chf. Clk.	Farmer.....	Table Rock.	Pawnee....	Neb..	26	Married.	Rep.
W. B. Wheeler, 3d Asst. Chf. Clk.	Real estate....	Palmer	Merrick ..	Iowa..	28	Married.	Rep.
R. G. Slaughter, 4th Asst. Chf. Clk.	.....	Fullerton ..	Nance	Neb..	19	Single.	Rep.
Miss Antoinette Worthem En. Clk.	.....	Pawnee City.	Pawnee....	Ill. .	24	Single.	Rep.
Mrs. Jennie Holland, Eng. Clk....	Bookkeeper....	Hastings ..	Adams	Eng. .	25	Widow.	Rep.
Miss Zora Matthews, Postmaster.	.....	Brownville ..	Nemaha ..	Iowa..	33	Single.	Rep.
Miss Estelle Miller, Asst. Postm'r.	.....	Lincoln ..	Lancaster..	Iowa..	24	Single.	Rep.
R. M. Aiken, Sergeant-at-Arms...	Farmer.....	Nelson	Nuckolls ..	Ind. .	47	Married.	Rep.
Wm. Deles, Asst. Sergeant-at-Ar's	Farmer.....	Elmwood ..	Cass.	Tenn.	31	Married.	Rep.
P. J. Hall, Doorkeeper.....	Farmer.....	Memphis ..	Saunders ..	Mass.	50	Married.	Rep.
J. M. Fowler, Asst. Doorkeeper...	Real estate....	Alliance ..	Box Butte ..	Ind....	44	Married.	Rep.
J. H. White, Janitor.....	Laborer.....	Lincoln ..	Lancaster..	Eng..	44	Widower.	Rep.
Cotton Melone, Mail Carrier.....	Newsboy	Lincoln ..	Lancaster..	Ken..	17	Single.	Rep.
R. S. Cooley, Bill Messenger.....	.....	Waverly ..	Lancaster..	.....	...	.....	Rep.

MEMBERS OF THE HOUSE.—CONTINUED.

Representatives	Occupation	Postoffice	County	Nativity	Age	Married or Single	Politics
Abrahamson, Otto.....	Merchant	Axtell.....	Kearney	Swdn.	50	Married	Rep.
Bailey, O. G.....	Farmer	Bloomington..	Franklin	N. Y....	43	Married	Rep.
Baker, B. S.....	Lawyer	Fairbury.....	Jefferson..	Iowa....	38	Married	Rep.
Ballard, John R.....	Far. & st'k rais'r.	Fairmont.....	Fillmore..	Ind.....	57	Married	Rep.
Beckman, Henry.....	Farmer	Germantown..	Seward.....	Ger'y...	44	Married	Rep.
Berlin, R. S.....	Real estate	Omaha.....	Douglas...	Penn....	31	Single	Rep.
Berry, E. M.....	Farmer	Mission Creek.	Pawnee...	Ohio....	36	Married	Rep.
Bisbee, N. B.....	Farmer	Chambers....	Holt.....	N. Y....	42	Married	Rep.
Bohacek, Wm.....	Druggist.....	Wilber.....	Saline.....	Boh'a...	36	Married	Rep.
Bortis, C. W.....	Farmer	Glenville....	Clay.....	Switzl...	51	Married	Rep.
Braucht, H. G.....	Far. & st'k rais'r.	Clarkson.....	Colfax.....	Ill.....	30	Married	Dem.
Brink, A. P.....	Real est. & loans	Cedar Rapids.	Boone.....	N. J....	34	Married	Rep.
Burnham, A. J.....	Lawyer	Springview..	Keya Paha.	Ind.....	40	Married	Rep.
Cady, A. E.....	Banker	St. Paul.....	Howard....	Wis....	35	Married	Rep.
Caldwell, J. L.....	Lawyer	Lincoln.....	Lancaster..	Ohio....	35	Married	Rep.
Cameron, M.....	Farmer	Vacoma.....	Washington	Can....	43	Married	Rep.
Christy, Hal.....	Farmer	Scribner.....	Dodge.....	Ill.....	40	Married	Dem.
Christy, S. W.....	Lawyer	Edgar.....	Olney.....	Iowa....	32	Married	Rep.
Coleman, A.....	Physician	Stromsburg..	Polk.....	Ill.....	38	Married	U. Lab.
Coleman, J. M.....	Real Estate.	Neligh.....	Antelope...	Ohio....	49	Married	Rep.
Collins, Wm.....	Farmer	Bancroft.....	Cumming..	Ohio....	46	Married	Dem.
Corbin, O. A.....	Farmer	Tecumseh....	Johnson..	Penn....	52	Married	Rep.
Cruzen, A. R.....	Banker	Curtis.....	Frontier...	Iowa....	30	Married	Rep.
Cushing, R. O.....	Contractor	Omaha.....	Douglas...	N. Y....	44	Married	Dem.
DeLaney, M. C.....	Farmer	Brainard.....	Butler....	N. Y....	45	Married	Dem.
Dempster, J. A.....	Mer. & real est.	Geneva.....	Fillmore..	Ill.....	48	Married	Rep.
Denman, H. C.....	Farmer	Doniphan....	Hall.....	Ohio....	45	Married	Rep.
Dickenson, J. W.....	Farmer	Waverly.....	Lancaster..	Eng.....	38	Married	Rep.
Diller, Wm. H.....	Grain & stock	Diller.....	Jefferson..	Penn....	48	Married	Rep.
Dunn, W. J.....	Farmer	DeWitt.....	Saline.....	Mich....	53	Married	Rep.
Elliott, Allen.....	Farmer	Ragan.....	Harlan....	Ire'd....	42	Married	Rep.

Everett, Fremont.....	Lawyer.....	Lynes.....	Burt.....	Iowa.....	33 Married..	Rep.
Farley, J. J.....	Bank-r.....	Marquette.....	Hamilton.....	Iowa.....	36 Married..	Rep.
Fenton, Wm.....	Far er.....	Dawson.....	Richardson.....	Irel'd.....	42 Married..	Rep.
Fieldgrove, Henry.....	Farmer.....	Shelton.....	Buffalo.....	Ger'y.....	57 Married..	Rep.
Fuller, F. W.....	Farmer.....	Paris.....	Sherman.....	Ill.....	42 Married..	Rep.
Gardner, W. A.....	Real estate.....	Omaha.....	Douglas.....	Ind.....	33 Married..	Dem.
Gates, Amos.....	Far. & st'k rais'r.....	Gilmore.....	Sarpy.....	Ohio.....	59 Married..	Dem.
Gilbert, A. E.....	Lawyer.....	York.....	York.....	Ill.....	34 Married..	Rep.
Gilchrist, L. W.....	Far. & st'k rais'r.....	Alliance.....	Box Butte.....	N. H.....	56 Married..	Rep.
Green, O. E.....	Banker.....	Genoa.....	Nance.....	Ohio.....	34 Married..	Dem.
Hahn, Leopold.....	Grain dealer.....	Hastings.....	Adams.....	Ger'y.....	42 Married..	Rep.
Hall, C. L.....	Lawyer.....	Lincoln.....	Lancaster.....	Ohio.....	33 Married..	Rep.
Hampton, I. B.....	Far. & st'k rais'r.....	Guide Rock.....	Webster.....	N. Y.....	47 Married..	Rep.
Hanna, J. R.....	Lawyer.....	Superior.....	Greeley.....	Iowa.....	27 Married..	Rep.
Hanthorn, Jas.....	Farmer.....	Oakland.....	Nuckolls.....	Penn.....	52 Married..	Rep.
Harding, W. A.....	Druggist.....	McCool June.....	Burt.....	N. Y.....	50 Married..	Rep.
Hays, C. W.....	Farmer.....	Bellwood.....	York.....	Ohio.....	44 Married..	Rep.
Hill, J. S.....	Farmer.....	Blue Springs.....	Butler.....	Ohio.....	44 Married..	Rep.
Hill, W. C.....	Farmer.....	Grand Island.....	Gage.....	Ohio.....	39 Married..	Rep.
Hooper, Edward.....	Foundryman.....	Syracuse.....	Hall.....	S. W. Is.....	53 Married..	Rep.
Horne, O.....	Banker.....	Omaha.....	Otoe.....	N. Y.....	47 Married..	Rep.
Hungate, J. H.....	Ice dealer.....	Minneola.....	Douglas.....	Ill.....	45 Married..	Dem.
Hunter, J. M.....	Farmer.....	Holdrege.....	Holt.....	Penn.....	30 Married..	Rep.
Johnson, Eric.....	Editor.....	Pierce.....	Phelps.....	Swdn.....	50 Married..	Rep.
Keiper, Geo. F.....	Physician.....	Fremont.....	Pierce.....	Penn.....	46 Married..	Dem.
Larson, L. P.....	Merchant.....	Peru.....	Dodge.....	Swdn.....	37 Married..	Dem.
Lash, Emmor.....	Farmer.....	Oxford.....	Nemaha.....	Penn.....	53 Married..	Dem.
Lee, J. M.....	Farmer.....	Wayne.....	Furnas.....	Ind.....	60 Married..	Rep.
Ley, Henry.....	Merchant.....	Peru.....	Wayne.....	Wis.....	38 Married..	Dem.
Majors, T. J.....	Far. & st'k rais'r.....	Lincoln City.....	Nemaha.....	Iowa.....	47 Married..	Rep.
Mattes, John Jr.....	Real estate.....	Nebraska City.....	Otoe.....	Ger'y.....	29 Married..	Dem.
McBride, J. C.....	Real estate.....	South Omaha.....	Lancaster.....	Ohio.....	44 Married..	Rep.
McMillan, John.....	Real estate.....	Cortland.....	Douglas.....	Can.....	43 Married..	Dem.
McNickle, A. B.....	Real estate, ins.....	Imperial.....	Gage.....	Penn.....	46 Married..	Rep.
Meeker, C. W.....	Lawyer.....	Omaha.....	Chase.....	Ind.....	31 Married..	Rep.
Nave, Wm.....	Watchmaker.....	Omaha.....	Douglas.....	Denm.....	38 Married..	Dem.
O'Brien, Geo. M.....	Lawyer.....	Omaha.....	Douglas.....	Wis.....	33 Single..	Rep.

MEMBERS OF THE HOUSE—Concluded.

Representatives	Occupation	Postoffice	County	Nativity	Age	Married or Single	Politics
Olmstead, F. D.	Lawyer	Hastings	Adams	Ill	37	Married	Rep.
O'Sullivan, P. F.	Printer	West Point	Cuming	Can.	45	Married	Dem.
Potter, R. K.	Far. & st'k deal'r	Elm Creek	Buffalo	Penn.	36	Married	Rep.
Raynor, H. St.	Lawyer	Sidney	Cheyenne	Eng	31	Married	Rep.
Rhodes, Julius	Farmer	Pawnee City	Pawnee	Ill.	36	Married	Rep.
Robb, Washington	Farmer	Talmage	Otoe	Ind.	51	Married	Rep.
Sargent, J. E.	Farmer	Macon	Custer	Ohio	39	Married	Rep.
Satchell, N. M.	Farmer	Weep'g Water	Cass	Ill	47	Married	Rep.
Seavill, D. A.	Real est't & col'n	Aurora	Hamilton	Ill	47	Married	Rep.
Severin, F. O.	Farmer	Heaver Cross'g	Seward	Irel'd	50	Married	Rep.
Shepherd, G. W.	Farmer	Cortland	Gage	Ger'y	40	Married	Rep.
Snyder, Adam	Farmer	Mead	Saunders	Ill	40	Married	Rep.
Specht, Christian	Butcher & pack'r	Omaha	Douglas	Md	44	Married	Dem.
Strk, J. W.	Manufacturer	Omaha	Douglas	Ger'y	41	Married	Rep.
Sweet, Franklin	Far. & st'k grow'r	Battle Creek	Madison	Ind.	43	Married	Rep.
Swartsley, J. O.	Banker	Clarks	Merrick	Penn.	50	Married	Rep.
Towle, A. L.	Far. & st'k rais'r	Columbus	Platte	Va	53	Married	Dem.
Truesdell, S. A.	Hotel keeper	Nobara	Knox	Mass.	50	Married	Rep.
Watson, J. C., Speaker	Merchant	Carleton	Thayer	Penn.	46	Married	Rep.
Weber, B. R. B.	Lawyer	Nebraska City	Otoe	Mo.	38	Married	Rep.
Weller, H. D.	Real est't & fruit	Valparaiso	Saunders	Ill	36	Married	Rep.
Wells, Joseph	Farmer	Stella	Richardson	Penn.	47	Married	Rep.
Westover, Herman	Far. & st'k rais'r	Lexington	Dawson	Ill	33	Married	Rep.
White, F. E.	Lawyer	Ord	Valley	Ont	40	Married	Rep.
Whitehead, Jas.	Grain dealer	Plattsmouth	Cass	Eng	41	Married	Dem.
Whitford, A. D.	Farmer	Red Fern	Custer	Wis	42	Married	Rep.
Whyman, F. E.	Farmer	Wakfield	Dixon	Penn.	42	Married	Rep.
Wilcox, J. A.	Druggist	Adams	Gage	Penn.	34	Married	Rep.
Williams, J. W.	Merchant	McCook	Red Willow	N. Y.	45	Married	Rep.
Winter, Thaddeus	Farmer	Fillety	Gage	Ind.	48	Married	Rep.
Yutzy, J. C.	Far. & st'k rais'r	Long Pine	Brown	N. Y.	55	Married	Rep.
	Dentist	Falls City	Richardson	Penn.	45	Married	Rep.

INDEX TO CHAPTERS.

	PAGE
Constitution of 1875.....	3

GENERAL LAWS.

An act to define the boundaries of Hooker county.....	69
An act defining boundaries of Wayne county.....	70
An act defining the boundaries of Thurston county.....	71
An act defining the boundaries of Burt county.....	72
An act concerning the formation of new counties.....	74
An act fixing time of meeting of board of supervisors.....	76
An act relating to highways and bridges and liability of counties for not keeping same in repair.....	77
An act to authorize county board to aid in grading and paving road leading into cities.....	78
An act to authorize cities of the second class to aid in building court house.....	81
An act relating to county buildings and officers.....	83
An act fixing per diem and mileage of supervisors.....	84
An act relating to the election of register of deeds.....	85
An act to amend an act to incorporate and define the powers and duties of metropolitan cities.....	88
An act to incorporate cities of the first class.....	150
An act to incorporate cities of the first class having less than twenty- five thousand inhabitants.....	249
An act to punish city and village officers who become interested in contracts with the city or village.....	344
An act concerning a metropolitan police reserve fund.....	345

	PAGE.
An act concerning unclaimed personal property in custody of officers in cities of the metropolitan class.....	349
An act concerning electric lights in cities of the second class.....	350
An act concerning the license and sale of liquors in cities of the metropolitan class.....	355
An act concerning the election of state, county and precinct officers.	357
An act concerning the election of state, county and precinct officers.....	361
An act to empower cities and villages to acquire real estate by gift or devise for parks.....	367
An act concerning revenue arising from taxation of internal improvements.....	368
An act to protect the earnings of laborers, servants and other employes of corporations, firms or individuals engaged in interstate business.....	369
An act to amend section 677 of the code of civil procedure.....	371
An act to provide for supersedeas bonds in certain cases.....	373
An act to secure the payment of mechanics' and laborers' wages on public buildings.....	375
An act to amend section 51 of the code of civil procedure.....	376
An act concerning transcripts of judgments of the circuit and districts courts of the United States in this state, and the filing thereof in the counties of said state.....	377
An act to provide for a lien for keeping live stock and the foreclosure of the lien.....	378
An act to prohibit judicial business on Sunday or any legal holiday.	379
An act amendatory of and supplemental to chapter 50 of the compiled statutes, 1885, entitled liquors.....	380
An act to provide for the punishment of persons for an assault with intent to do great bodily injury or to kill.....	385
An act concerning the unlawful disposition of mortgaged property.	386
An act to provide for the pardon of convicts from the penitentiary in certain cases.....	387
An act to regulate banking.....	388
An act to enable street railways to unite their roads by consolidation.....	398
An act concerning the incorporation of benevolent societies.....	403
An act concerning warehousemen.....	405
An act to require all trains run upon railroads in this state to come to a full stop before crossing any other road.....	406
An act to enable foreign corporations to become domestic corporations of this state.....	407

INDEX TO CHAPTERS.

xix

	PAGE.
An act concerning the selecting, drawing, and summoning grand and petit jurors in counties having a population of seventy thousand	408
An act to amend the act to apportion the state into judicial districts	418
An act concerning the appointment of stenographic reporters in judicial districts	421
An act fixing the terms of the supreme court	422
An act to require insurance companies to pay a duty or rate for the support of fire companies	422
An act defining the liability of fire insurance companies in certain cases	425
An act concerning unincorporated mutual insurance companies	426
An act to permit plate glass insurance companies of other states to transact business in this state	427
An act concerning estrays	428
An act authorizing the auditors of public accounts, before registering bonds of any municipality, to detach coupons maturing before taxes levied for payment of same shall become due	429
An act to repeal sections 9 and 10, article 3, chapter 2, compiled statutes 1887	430
An act to require and regulate the registration of voters in metropolitan cities, cities of the first class and cities of the second class	431
An act concerning the canvass and abstract of votes for state, county and township officers	470
An act concerning presidential electors	471
An act concerning decedents	473
An act restricting non-resident aliens in their right to acquire and hold real estate	483
An act concerning the election of trustees of any religious sect, fire company, or literary, scientific or benevolent association	487
An act providing for the conveyance of real estate by executors and administrators in certain cases	490
An act concerning counties	491
An act authorizing the Governor to make deed to property in Omaha	493
An act granting consent to the purchase of a block of ground in Omaha for post-office site and ceding jurisdiction thereof to the United States	494
An act granting consent of the state to the purchase or condemnation by the United States of a tract of land for a military post, and ceding jurisdiction thereof	496

An act granting consent of the State to the purchase or condemnation by the United States of a block of ground in any city in the State for postoffice site, and ceding jurisdiction thereof.	49
An act ceding jurisdiction of the military reservations of Fort Niobrara and Fort Robinson.....	499
An act ceding jurisdiction of the State to the United States over the military reservation known as Fort Sidney.....	501
An act relating to irrigation.....	502
An act to prohibit the formation of pools or trusts and to provide punishment for the violation of same.....	516
An act to provide for the encouragement of the manufacture of sugar.	521
An act relating to the collection of taxes in counties under township organization.....	523
An act to provide for the relief of union soldiers, sailors and marines and the indigent wives, widows and minor children of indigent or deceased soldiers, sailors or marines.....	528
An act relating to the collection of taxes.....	531
An act to provide for county aid to agricultural societies.....	534
An act to tax sleeping cars and dining cars.....	536
An act to provide for the equalization of assessments in cities of the second class under township organization.....	537
An act to provide for the collection of taxes on vacated or abandoned town sites.....	538
An act relating to schools.....	539
An act concerning schools.....	554
An act relating to the taxation of school lands.....	557
An act relating to schools in metropolitan cities.....	559
An act to regulate the practice of pharmacy.....	560
An act relating to the Nebraska Dairymen's Association	565
An act making the Commissioners of Public Lands and Buildings custodian of field notes, maps, charts, records and all other papers relating to land titles furnished by the United States..	567
An act relating to the soldiers' and sailors' home	569
An act concerning the officers and employes of the legislature.....	571
An act relating to the improvement of the Capitol grounds	572
An act to authorize townships to purchase toll bridges.....	573
An act concerning railroads aiding each other.....	576
An act relating to the appointment of guardian for insane person...	577
An act relating to wearing the rosette of the Loyal Legion order ...	578
An act providing for a holiday to be known as labor day....	579
An act to exempt pensioners, disabled soldiers and invalids from paying poll tax or working on highways.....	579

INDEX TO CHAPTERS.

xxi

	PAGE.
An act to provide for leasing the Saline lands....	580
An act requiring officers of executive departments and of all public institutions to make schedule of all personal property in their charge.....	582
An act to provide for the erection of buildings at industrial school..	584
An act to provide for the erection of buildings at industrial home...	587
An act to provide for the erection of buildings at the state normal school.....	589
An act to provide for the support of the library of the university....	590
An act to provide for the support of the library of the state normal school.....	592
An act to provide for the erection of buildings and the purchase of boilers for the insane asylum at Lincoln.....	593
An act authorizing state treasurer to transfer certain money to state general fund.....	594
An act to provide for the payment of incidental expenses, 21st session of the legislature....	594
An act to provide for payment of officers, members and employes, 21st session of legislature.....	596
An act to provide for current expenses of state government and to pay items of indebtedness.....	597
An act to provide for payment of salaries, etc.....	613
An act to provide for payment of extra labor and material furnished by contractor, W. H. B. Stout.....	618
An act to provide for payment of miscellaneous items of indebtedness.....	621
An act for the relief of William J. Wilson.....	624

MEMORIALS AND JOINT RESOLUTIONS.

Joint resolution submitting an amendment to the constitution relating to the sale and keeping for sale intoxicating liquors....	629
Joint resolution submitting an amendment to the constitution providing for five judges of the supreme court.....	631
Joint resolution proposing an amendment to the constitution fixing the salary of judges of the supreme and district courts.....	633
Joint resolution relating to indemnity school lands.....	634

CONSTITUTION
OF THE
STATE OF NEBRASKA.

CONSTITUTION OF THE STATE OF NEBRASKA.

In Force, November 1, 1875.

PREAMBLE.

We, the people, grateful to Almighty God for Preamble.
our freedom, do ordain and establish the following
declaration of rights and frame of government, as
the constitution of the State of Nebraska:

ARTICLE I.—BILL OF RIGHTS.

SECTION 1. All persons are by nature free and Rights of people.
independent, and have certain inherent and in-
alienable rights; among these are life, liberty, and
the pursuit of happiness. To secure these rights,
and the protection of property, governments are
instituted among people, deriving their just
powers from the consent of the governed.

SEC. 2. There shall be neither slavery nor in- Slavery pro-
hibited.
voluntary servitude in this state, otherwise than
for punishment of crime, whereof the party shall
have been duly convicted.

SEC. 3. No person shall be deprived of life,

liberty, or property, without due process of law. (1 Neb., 37; 2 Neb., 403; 6 Neb., 42, 54, 71; 7 Neb., 278; 10 Neb., 114.)

Religious freedom.

SEC. 4. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect, or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Freedom of speech and the press.

SEC. 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

Trial by jury.

SEC. 6. The right of trial by jury shall remain inviolate, but the legislature may authorize trial by a jury of a less number than twelve men, in courts inferior to the district court. (3 Neb., 94; 5 Neb., 148, 458; 13 Neb., 451.)

SEC. 7. The right of the people to be secure ^{Search and seizure.} in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be seized.

SEC. 8. The privilege of the writ of habeas ^{Habeas corpus.} corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

SEC. 9. All persons shall be bailable by ^{Bail.} sufficient sureties, except for treason and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. No person shall be held to answer for ^{Criminal offenses.} a criminal offense, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy or in the militia, when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; *Provided*, That the legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor, and may by law abolish, limit, change, amend, or otherwise regulate the grand jury system.

SEC. 11. In all criminal prosecutions the ac- ^{Impartial trial guaranteed.} cused shall have the right to appear and defend

in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. (4 Neb., 226, 547; 5 Neb., 34; 11 Neb., 1; 14 Neb., 19.)

SEC. 12. No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense. (12 Neb., 540.)

Justice administered without delay.

SEC. 13. All courts shall be open, and every person, for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due course of law, and justice administered without denial or delay.

Treason.

SEC. 14. Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Penalties.

SEC. 15. All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

Bill of attainder; ex post facto law.

SEC. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special

privileges or immunities, shall be passed. (1 Neb., 331, 419, 462; 3 Neb., 383; 6 Neb., 33; 7 Neb., 179.)

SEC. 17. The military shall be in strict sub-^{Military power.}ordination to the civil power.

SEC. 18. No soldier shall in time of peace be ^{Militia.}quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 19. The right of the people peaceably ^{Right of petition.}to assemble to consult for the common good, and to petition the government, or any department thereof shall never be abridged.

SEC. 20. No person shall be imprisoned for ^{Imprisonment for debt.}debt in any civil action on *mesne* or final process, unless in cases of fraud. (13 Neb., 191.)

SEC. 21. The property of no person shall be ^{Private property.}taken or damaged for public use without just compensation therefor. (1 Neb., 30; 2 Neb., 399; 3 Neb., 241. 6 Neb., 71; 12 Neb., 166; 13 Neb., 319; 14 Neb., 551.)

SEC. 22. All elections shall be free; and there ^{Freedom of elections.}shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

SEC. 23. The writ of error shall be a writ of ^{Writ of error.}right in all cases of felony; and in capital cases shall operate as a supersedeas to stay the execution of the sentence of death until the further order of the supreme court in the premises. (8 Neb., 24.)

SEC. 24. The right to be heard in all civil ^{Rights in civil cases.}cases in the court of last resort by appeal,

error, or otherwise, shall not be denied. (5 Neb., 453; 6 Neb., 71; 12 Neb., 72.)

Aliens.

SEC. 25. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property. (2 Neb., 9.)

Powers retained by People.

SEC. 26. This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

ARTICLE II.—DISTRIBUTION OF POWERS.

Division of powers.

SECTION 1. The powers of the government of this state are divided into three distinct departments: the legislative, executive and judicial, and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted. (6 Neb., 69; 7 Neb., 180; 15 Neb., 681.)

ARTICLE III.—LEGISLATIVE.

Legislative authority.

SECTION 1. The legislative authority is vested in a senate and house of representatives. (7 Neb., 314; 15 Neb. 682.)

Census.

SEC. 2. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year eighteen hundred and eighty-five, and every ten years thereafter; and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and repre-

sentatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and Navy.

SEC. 3. The house of representatives shall consist of eighty-four members, and the senate shall consist of thirty members, until the year eighteen hundred and eighty, after which time the number of members of each house shall be regulated by law; but the number of representatives shall never exceed one hundred, nor that of senators thirty three. The sessions of the legislature shall be biennial, except as otherwise provided in this constitution. (See chapter "Apportionment," Comp. Stat. 1895.)

SEC. 4. The term of office of members of the legislature shall be two years, and they shall each receive pay at the rate of five dollars per day during their sitting, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the legislature, on the most usual route; *Provided, however,* That they shall not receive pay for more than sixty days at any one sitting, nor more than one hundred days during their term.

That neither members of the legislature nor employes shall receive any pay or perquisites other than their salary and mileage. Each session, except special sessions, shall be not less than sixty days. After the expiration of forty days of the session no bills or joint resolutions of the nature of bills shall be introduced, unless the governor shall by special message call the attention of the legislature to the necessity of

passing a law on the subject matter embraced in the message, and the introduction of bills shall be restricted thereto.

Who not eligible.

SEC. 5. No person shall be eligible to the office of senator or member of the house of representatives, who shall not be an elector, and have resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States, or of this state, and no person elected as aforesaid shall hold his office after he shall have removed from such district.

Same.

SEC. 6. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the legislature; but this provision shall not extend to precinct or township officers, justices of the peace, notaries public, or officers of the militia; nor shall any person interested in a contract with, or an unadjusted claim against the state, hold a seat in the legislature.

Sessions, when held; powers of each house.

SEC. 7. The session of the legislature shall commence at 12 o'clock (noon) on the first Tuesday in January, in the next year ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election returns, and qualifications of its members; shall choose its own officers; and the senate shall choose a

temporary president to preside when the lieutenant-governor shall not attend as president, or shall act as governor. The secretary of state shall call the house of representatives to order at the opening of each new legislature, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member thereof, who shall be guilty of disrespect to the house, by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

SEC. 8. Each house shall keep a journal of its proceedings, and publish them (except such parts as may require secrecy), and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal. All votes in either house shall be *viva voce*. The doors of each house, and of [the] committee of the whole, shall be open, unless when the business shall be such as ought to be kept secret. Neither house shall, without the consent of the other, adjourn for more than three days. (4 Neb., 505.)

SEC. 9. Any bill may originate in either house of the legislature, except bills appropriating money, which shall originate only in the house

of representatives, and all bills passed by one house may be amended by the other.

Enacting
clause of laws.

SEC. 10. The enacting clause of a law shall be, "Be it enacted by the Legislature of the state of Nebraska," and no law shall be enacted except by bill. No bill shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays shall be entered upon the journal.

Bills to be read,
when. Laws,
how amended.

SEC. 11. Every bill and concurrent resolution shall be read at large on three different days in each house, and the bill and all amendments thereto shall be printed before the vote is taken upon its final passage. No bill shall contain more than one subject, and the same shall be clearly expressed in its title. And no law shall be amended unless the new act contains the section or sections so amended, and the section or sections so amended shall be repealed. The presiding officer of each house shall sign, in the presence of the house over which he presides, while the same is in session and capable of transacting business, all bills and concurrent resolutions passed by the legislature. (1 Neb., 194; 4 Neb., 354, 507; 5 Neb., 276, 310, 515; 6 Neb., 33, 234, 484, 508; 7 Neb., 179, 412; 8 Neb., 38; 9 Neb., 123, 491, 511; 10 Neb., 206, 279, 299, 477; 13 Neb., 9, 14, 122, 254; 14 Neb., 30; 15 Neb., 449, 693.)

SEC. 12. Members of the legislature, in all cases except treason, felony, or breach of the

peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof.

SEC. 13. No person elected to the legislature shall receive any civil appointment within this state, from the governor and senate during the term for which he has been elected. And all appointments, and all votes given for any such member for any such office or appointment, shall be void. Nor shall any member of the legislature, or any state officer, be interested, either directly or indirectly, in any contract with the state, county, or city, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

SEC. 14. The senate and house of representatives, in joint convention, shall have the sole power of impeachment, but a majority of the members elect must concur therein. Upon the entertainment of a resolution to impeach by either house, the other house shall at once be notified thereof, and the two houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification. A notice of an impeachment of any officer other than a justice of the supreme court, shall be forthwith served upon the chief justice by the secretary of the senate, who shall thereupon call a session of the supreme court to meet at the capital within ten days after such notice to try the impeachment. A notice of an impeachment of a justice of the supreme

Impeach-
ments, how
tried.

court shall be served by the secretary of the senate upon the judge of the judicial district within which the capital is located, and he thereupon shall notify all the judges of the district court in the state to meet with him within thirty days at the capital, to sit as a court to try such impeachment, which court shall organize by electing one of its number to preside. No person shall be convicted without the concurrence of two-thirds of the members of the court of impeachment, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, trust in this state, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his official duties after he shall have been impeached and notified thereof, until he shall have been acquitted. (3 Neb., 464.)

Prohibited
special legisla-
tion.

SEC. 15. The legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening, altering, and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds.

Locating or changing county seats.

Regulating county and township offices.

Regulating the practice of courts of justice.

Regulating the jurisdiction and duties of jus-

tices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, and villages, or changing or amending the charter of any town, city or village.

Providing for the election of officers in townships, incorporated towns or cities.

Summoning or empaneling grand or petit juries.

Providing for the bounding of cities, towns, precincts, school districts or other municipalities.

Providing for the management of public schools.

Regulating the interest on money.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties or forfeitures.

Creating, increasing, and decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual, any special or exclusive privileges,

immunity, or franchise, whatever. In all other cases where a general law can be made applicable, no special law shall be enacted. (4 Neb., 412; 5 Neb., 127; 8 Neb., 179, 518; 12 Neb., 94.)

Extra compensations.

SEC. 16. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

Salt springs.

SEC. 17. The legislature shall never alienate the salt springs belonging to the state.

Donations of land.

SEC. 18. Lands under the control of the state shall never be donated to railroad companies, private corporations, or individuals.

Appropriations for expenses of government.

SEC. 19. Each legislature shall make appropriations for the expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each house, and shall not exceed the amount of revenue authorized by law to be raised in such time. Bills making appropriations for the pay of members and officers of the legislature, and for the salaries of the officers of the government, shall contain no provision on any other subject. (5 Neb., 566; 14 Neb., 444.)

Vacancies in office.

SEC. 20. All offices created by this constitution shall become vacant by the death of the

incumbent, by removal from the state, resignation, conviction of a felony, impeachment, or becoming of unsound mind. And the legislature shall provide by general law for the filling of such vacancy when no provision is made for that purpose in this constitution.

SEC. 21. The legislature shall not authorize any games of chance, lottery, or gift enterprise under any pretense, or for any purpose whatever. Lotteries prohibited.

SEC. 22. No allowance shall be made for the incidental expenses of any state officer, except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued by the auditor thereon, and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall within sixty days after the adjournment of each session of the legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item, and to whom and for what paid. (4 Neb., 216; 5 Neb., 566; 6 Neb., 17, 517; 9 Neb., 469; 12 Neb., 408; 14 Neb., 443; 15 Neb., 458, 609.) Money, how drawn from treasury.

SEC. 23. No member of the legislature shall be liable in any civil or criminal action whatever for words spoken in debate. Members not liable for debate.

SEC. 24. No act shall take effect until three calendar months after the adjournment of the Acts shall take effect, when.

session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act) the legislature shall, by a vote of two-thirds of all the members elected to each house otherwise direct. All laws shall be published in book form within sixty days after the adjournment of each session, and distributed among the several counties in such manner as the legislature may provide. (8 Neb., 148.)

ARTICLE [IV.]—LEGISLATIVE APPORTIONMENT.*

Until otherwise provided by law, senatorial and representative districts shall be formed, and senators and representatives apportioned, as follows:

SENATORIAL DISTRICTS.

Senatorial
districts.

District No. 1. Shall consist of the county of Richardson, and be entitled to two senators.

District No. 2. Shall consist of the county of Nemaha, and be entitled to two senators.

District No. 3. Shall consist of the county of Otoe, and be entitled to two senators.

District No. 4. Shall consist of the county of Cass, and be entitled to one senator.

District No. 5. Shall consist of the county of Douglas, and be entitled to two senators.

District No. 6. Shall consist of the counties of Douglas and Sarpy, and be entitled to one senator.

District No. 7. Shall consist of the county of Washington, and be entitled to one senator.

District No. 8. Shall consist of the county of Dodge, and be entitled to one senator.

*see chapter Apportionment, Compiled Statutes, 1887.

District No. 9. Shall consist of the county of Cuming, and be entitled to one senator.

District No. 10. Shall consist of the counties of Burt and Dakota, and be entitled to one senator.

District No. 11. Shall consist of the counties of Madison, Stanton, Wayne, Pierce, Antelope, and Boone, and be entitled to one senator.

District No. 12. Shall consist of the counties of Dixon, Cedar, Knox, Holt, and the unorganized territory west of Holt, and be entitled to one senator.

District No. 13. Shall consist of the counties of Hall, Howard, Merrick, Greeley, and the unorganized territory north of Greeley, and be entitled to one senator.

District No. 14. Shall consist of the counties of Platte and Colfax, and be entitled to one senator.

District No. 15. Shall consist of the counties of Butler and Polk, and be entitled to one senator.

District No. 16. Shall consist of the county of Saunders, and be entitled to one senator.

District No. 17. Shall consist of the county of Lancaster, and be entitled to two senators.

District No. 18. Shall consist of the counties of Johnson and Pawnee, and be entitled to one senator.

District No. 19. Shall consist of the counties of Gage and Jefferson, and be entitled to one senator.

District No. 20. Shall consist of the county of Saline, and be entitled to one senator.

CONSTITUTION OF THE

District No. 21. Shall consist of the county of Seward, and be entitled to one Senator.

District No. 22. Shall consist of the counties of York and Hamilton, and be entitled to one senator.

District No. 23. Shall consist of the counties of Fillmore and Clay, and be entitled to one senator.

District No. 24. Shall consist of the counties of Adams, Webster, Nuckolls, and Thayer, and be entitled to one senator.

District No. 25. Shall consist of the counties of Buffalo, Kearney, Franklin, Harlan, Phelps, Sherman, Valley, and the unorganized territory west of Sherman, Valley, and senatorial district number thirteen (13), and be entitled to one senator.

District No. 26. Shall consist of the counties of Lincoln, Dawson, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Dundy, Chase, Keith, Cheyenne, and the unorganized territory west of Frontier, and between Frontier and Chase, and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

representa-
districts. District No. 1. Shall consist of the county of Richardson, and be entitled to four representatives.

District No. 2. Shall consist of the county of Pawnee, and be entitled to two representatives.

District No. 3. Shall consist of the county of Gage, and be entitled to two representatives.

District No. 4. Shall consist of the county of Johnson, and be entitled to two representatives.

District No. 5. Shall consist of the county of Nemaha, and be entitled to three representatives.

District No. 6. Shall consist of the county of Otoe and be entitled to four representatives.

District No. 7. Shall consist of the county of Lancaster, and be entitled to four representatives.

District No. 8. Shall consist of the county of Saunders, and be entitled to three representatives.

District No. 9. Shall consist of the county of Cass, and be entitled to three representatives.

District No. 10. Shall consist of the county of Sarpy, and be entitled to one representative.

District No. 11. Shall consist of the county of Douglas, and be entitled to eight representatives.

District No. 12. Shall consist of the county of Dodge, and be entitled to two representatives.

District No. 13. Shall consist of the county of Washington, and be entitled to two representatives.

District No. 14. Shall consist of the county of Burt, and be entitled to one representative.

District No. 15. Shall consist of the county of Cuming and be entitled to two representatives.

District No. 16. Shall consist of the county

of Dakota, and be entitled to one representative.

District No. 17. Shall consist of the county of Dixon, and be entitled to one representative.

District No. 18. Shall consist of the county of Jefferson, and be entitled to one representative.

District No. 19. Shall consist of the county of Thayer, and be entitled to one representative.

District No. 20. Shall consist of the county of Nuckolls, and be entitled to one representative.

District No. 21. Shall consist of the county of Webster, and be entitled to one representative.

District No. 22. Shall consist of the county of Adams, and be entitled to one representative.

District No. 23. Shall consist of the county of Clay, and be entitled to one representative.

District No. 24. Shall consist of the county of Fillmore, and be entitled to one representative.

District No. 25. Shall consist of the county of Adair, and be entitled to three representatives.

District No. 26. Shall consist of the county of Seward, and be entitled to two representatives.

District No. 27. Shall consist of the county of York, and be entitled to two representatives.

District No. 28. Shall consist of the county of Hamilton, and be entitled to one representative.

District No. 29. Shall consist of the county of Hall, and be entitled to one representative.

District No. 30. Shall consist of the county of Buffalo, and be entitled to one representative.

District No. 31. Shall consist of the county of Lincoln, and be entitled to one representative.

District No. 32. Shall consist of the county of Harlan, and be entitled to one representative.

District No. 33. Shall consist of the counties of Howard and Greeley, and be entitled to one representative.

District No. 34. Shall consist of the county of Merrick, and be entitled to one representative.

District No. 35. Shall consist of the county of Polk, and be entitled to one representative.

District No. 36. Shall consist of the county of Butler, and be entitled to one representative.

District No. 37. Shall consist of the county of Colfax, and be entitled to one representative.

District No. 38. Shall consist of the county of Platte, and be entitled to one representative.

District No. 39. Shall consist of the county of Madison, and be entitled to one representative.

District No. 40. Shall consist of the county of Cedar, and be entitled to one representative.

District No. 41. Shall consist of the counties

of Burt and Dodge, and be entitled to one representative.

District No. 42. Shall consist of the counties of Stanton, Wayne, and Pierce, and be entitled to one representative.

District No. 43. Shall consist of the counties of Knox and Holt, and the unorganized territory west of Holt, and be entitled to one representative.

District No. 44. Shall consist of the county of Antelope, and be entitled to one representative.

District No. 45. Shall consist of the counties of Boone, Valley, Sherman, and the unorganized territory west of Sherman and Valley counties, and west of the thirteenth senatorial district, and be entitled to one representative.

District No. 46. Shall consist of the counties of Dawson and Frontier, and be entitled to one representative.

District No. 47. Shall consist of the counties of Franklin and Kearney, and be entitled to one representative.

District No. 48. Shall consist of the counties of Furnas, Phelps, and Gospel, and be entitled to one representative.

District No. 49. Shall consist of the counties of Cheyenne, Keith, Dundy, Chase, Hitchcock, Red Willow, and the unorganized territory north of the county of Hitchcock, and be entitled to one representative.

District No. 50. Shall consist of the counties of Cass and Saunders, and be entitled to one representative.

District No. 51. Shall consist of the counties of Platte, Colfax, and Butler, and be entitled to one representative.

District No. 52. Shall consist of the counties of Fillmore and Clay, and be entitled to one representative.

ARTICLE V.—EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, and commissioner of public lands and buildings, who shall each hold his office for the term of two years from the first Thursday after the first Tuesday in January next after his election, and until his successor is elected and qualified; *Provided, however,* That the first election of said officers shall be held on the Tuesday succeeding the first Monday in November, 1876, and each succeeding election shall be held at the same relative time in each year thereafter. The governor, secretary of state, auditor of public accounts, and treasurer, shall reside at the seat of government during their terms of office, and keep the public records, books, and papers there, and shall perform such duties as may be required by law. (4 Neb., 242.)

SEC. 2. No person shall be eligible to the office of governor, or lieutenant-governor, who shall not have attained to the age of thirty years, and been for two years next preceding

Officers of executive department.

Persons ineligible to hold office.

his election a citizen of the United States and of this state. None of the officers of the executive department shall be eligible to any other state office during the period for which they shall have been elected. (9 Neb., 466.)

Treasurer ineligible.

SEC. 3. The treasurer shall be ineligible to the office of treasurer for two years next after the expiration of two consecutive terms for which he was elected.

Returns of election.

SEC. 4. The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the secretary of state, directed to the speaker of the house of representatives, who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, who shall, for that purpose, assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the legislature shall, by joint vote, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the legislature, by joint vote, in such manner as may be prescribed by law.

Impeachment.

SEC. 5. All civil officers of this state shall be liable to impeachment for any misdemeanor in office.

Executive power.

SEC. 6. The supreme executive power shall

be vested in the governor, who shall take care that the laws be faithfully executed.

SEC. 7. The governor shall, at the commencement of each session, and at the close of his term of office, and whenever the legislature may require, give to the legislature information by message, of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall account to the legislature, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

Message of governor.

SEC. 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, stating therein the purpose for which they are convened, and the legislature shall enter upon no business except that for which they were called together. (3 Neb., 409.)

Convening legislature.

SEC. 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the legislature to such time as he thinks proper, not beyond the first day of the next regular session.

Proroguing legislature.

SEC. 10. The governor shall nominate, and by and with the advice and consent of the senate (expressed by a majority of all the senators elected voting, by yeas and nays), appoint all officers whose offices are established by this

Appointment by governor.

constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such officer shall be appointed or elected by the legislature. (7 Neb., 45.)

Vacancies in
office; how
filled.

SEC. 11. In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate (a majority of all the senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at request of the senate, or be appointed to the same office during the recess of the legislature.

Removal of
officers.

SEC. 12. The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

Pardoning
power.

SEC. 13. The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the

manner of applying for pardons. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature, at every regular session, each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the reprieve, commutation or pardon.

SEC. 14. The governor shall be commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United States), and may call out the same to execute the law, suppress insurrection, and repel invasion.

Governor shall
be commander
in chief.

SEC. 15. Every bill passed by the legislature, before it becomes a law, and every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on questions of adjournment), shall be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then three-fifths of the members elected agree to pass the same, it shall be sent, together with the objections,

Veto power

to the other house, by which it shall likewise be reconsidered; and if approved by three-fifths of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the governor within five days (Sunday excepted), after it shall have been presented to him, shall become a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of state within five days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner herein prescribed in cases of disapproval of bills. (3 Neb., 14; 13 Neb., 17.)

When lieutenant-governor shall act as governor.

SEC. 16. In case of the death, impeachment, and notice thereof to the accused, failure to qualify, resignation, absence from the state, or other disability of the governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor. (3 Neb., 413, 463.)

President of senate.

SEC. 17. The lieutenant-governor shall be president of the senate, and shall vote only

when the senate is equally divided. (3 Neb., 413.)

SEC. 18. If there be no lieutenant-governor, Office of governor, how filled. or if the lieutenant-governor, for any of the causes specified in section sixteen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 19. The commissioner of public lands Board of public lands and buildings. and buildings, the secretary of state, treasurer, and attorney-general, shall form a board, which shall have general supervision and control of all the buildings, grounds, and lands of the state, the state prison, asylums, and all other institutions thereof, except those for educational purposes; and shall perform such duties and be subject to such rules and regulations as may be prescribed by law. (6 Neb., 290, 296; 7 Neb., 45.)

SEC. 20. If the office of auditor of public Vacancies in office, how filled. accounts, treasurer, secretary of state, attorney-general, commissioner of public lands and buildings, or superintendent of public instruction, shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor

shall be elected and qualified in such manner as may be provided by law.

Accounts of
public officers.

SEC. 21. An account shall be kept by the officers of the executive department, and of all the public institutions of the state, of all moneys received or disbursed by them severally from all sources, and for every service performed, and a semi-annual report thereof be made to the governor, under oath, and any officer who makes a false report shall be guilty of perjury, and shall be punished accordingly.

Reports to gov-
ernor by other
officers.

SEC. 22. The officers of the executive department, and of all the public institutions of the state, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature, together with the reports of the judges of the supreme court, of defects in the constitution and laws, and the governor, or either house of the legislature, may, at any time, require information in writing, under oath from the officers of the executive department, and all officers and managers of state institutions, upon any subject relating to the condition, management, and expenses of their respective offices.

Seal of state.

SEC. 23. There shall be a seal of the state, which shall be called the "Great Seal of the state of Nebraska," which shall be kept by the secretary of state, and used by him officially, as directed by law. (7 Neb., 376.)

Salaries of
officers.

SEC. 24. The salaries of the governor, auditor of public accounts, and treasurer, shall be two thousand five hundred (\$2,500) dollars each

per annum, and the secretary of state, attorney-general, superintendent of public instruction, and commissioner of public lands and buildings, shall be two thousand (\$2,000) dollars each per annum. The lieutenant-governor shall receive twice the compensation of a senator, and after the adoption of this constitution they shall not receive to their own use any fees, costs, interests upon public moneys, in their hands or under their control, perquisites of office or other compensation, and all fees that may hereafter be payable by law for services performed by an officer, provided for in this article of the constitution, shall be paid in advance into the state treasury. There shall be no allowance for clerk hire in the offices of the superintendent of public instruction and attorney general. (4 Neb., 219, 243; 9 Neb., 465, 466; 12 Neb. 171, 175.)

SEC. 25. The officers mentioned in this article shall give bonds in not less than double the amount of money that may come into their hands, and in no case in less than the sum of fifty thousand dollars, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds as may be prescribed by law. (9 Neb., 465.)

Bonds of
officers.

SEC. 26. No other executive state office shall be continued or created, and the duties now devolving upon officers not provided for by this constitution shall be performed by the officers herein created. (4 Neb., 242; 9 Neb., 465; 15 Neb., 679.)

No other office
to be created.

ARTICLE VI.—THE JUDICIAL DEPARTMENT.

Judicial power **SECTION 1.** The judicial power of this state shall be vested in a supreme court, district courts, county courts, justices of the peace, police magistrates, and in such other courts inferior to the district courts as may be created by law for cities and incorporated towns. (4 Neb., 5, 407; 15 Neb., 248.)

Supreme court. **SEC. 2.** The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum, or to pronounce a decision. It shall have original jurisdiction in cases relating to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto, habeas corpus, and such appellate jurisdictions as may be provided by law. (4 Neb., 514; 6 Neb., 253.)

Terms of supreme court. **SEC. 3.** At least two terms of the supreme court shall be held each year at the seat of government.

Election of judges. **SEC. 4.** The judges of the supreme court shall be elected by the electors of the state at large, and their terms of office, except of those chosen at the first election, as hereinafter provided, shall be six years.

How classified. **SEC. 5.** The judges of the supreme court shall, immediately after the election under this constitution, be classified by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years.

Chief justice. **SEC. 6.** The judge of the supreme court having the shortest term to serve, not holding his

office by appointment or election to fill a vacancy, shall be the chief justice, and as such shall preside at all terms of the supreme court; and in case of his absence, the judge having in like manner the next shortest term to serve, shall preside in his stead.

SEC. 7. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States; nor unless he shall have resided in this state at least three years next preceding his election. Who not eligible to be judge.

SEC. 8. There shall be appointed by the supreme court a reporter, who shall also act as clerk of the supreme court, and librarian of the law and miscellaneous library of the state, whose term of office shall be four years, unless sooner removed by the court, whose salary shall be fixed by law, not to exceed fifteen hundred dollars per annum. The copyright of the state reports shall forever belong to the state. (15 Neb., 688.) Reporter of supreme court.

SEC. 9. The district courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the legislature may provide, and the judges thereof may admit persons charged with felony to a plea of guilty, and pass such sentence as may be prescribed by law. (3 Neb., 115; 4 Neb., 576, 586; 6 Neb., 66, 84; 13 Neb., 398.) Jurisdiction of district courts.

SEC. 10. The state shall be divided into six judicial districts, in each of which shall be elected, by the electors thereof, one judge, who Judicial districts.

shall be judge of the district court therein, and whose term of office shall be four years.

Unless otherwise provided by law, said districts shall be as follows:

First District. The counties of Richardson, Johnson, Pawnee, Gage, Jefferson, Saline, Thayer, Clay, Nuckolls, and Fillmore.

Second District. The counties of Nemaha, Otoe, Cass, and Lancaster.

Third District. The counties of Douglas, Sarpy, Washington, and Burt.

Fourth District. The counties of Saunders, Dodge, Butler, Colfax, Platte, Polk, Merrick, Hamilton, York, Seward, Hall, and Howard.

Fifth District. The counties of Buffalo, Adams, Webster, Franklin, Harlan, Kearney, Phelps, Gosper, Furnas, Hitchcock, Dundy, Chase, Cheyenne, Keith, Lincoln, Dawson, Sherman, Red Willow, Frontier, and the unorganized territory west of said district.

Sixth District. The counties of Cuming, Dakota, Dixon, Cedar, Wayne, Stanton, Madison, Boone, Pierce, Knox, Antelope, Holt, Greeley, Valley, and the unorganized territory west of said district. (11 Neb., 16; 12 Neb., 381, 387.) (See act changing judicial districts, Session Laws, 1887.)

May be
increased.

SEC. 11. The legislature, whenever two-thirds of the members elected to each house shall concur therein, may, in or after the year one thousand eight hundred and eighty, and not oftener than once in every four years, increase the number of judges of the district courts, and the judicial districts of the state. Such

districts shall be formed of compact territory, and bounded by county lines; and such increase, or any change in the boundaries of a district, shall not vacate the office of any judge.

SEC. 12. The judges of the district courts may hold courts for each other, and shall do so when required by law. (8 Neb., 484; 14 Neb., 539.) Judges to hold courts for each other.

SEC. 13. The judges of the supreme and district courts shall each receive a salary of \$2,500 per annum, payable quarterly. Salary of judges.

SEC. 14. No judge of the supreme or district court shall receive any other compensation, perquisite, or benefits for or on account of his office in any form whatsoever, nor act as attorney or counselor-at-law, in any manner whatever; nor shall any salary be paid to any county judge. No other compensation.

SEC. 15. There shall be elected in and for each organized county, one judge, who shall be judge of the county court of such county, and whose term of office shall be two years. (15 Neb., 11.) County judge.

SEC. 16. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, and settlement of their accounts, in all matters relating to apprentices, and such other jurisdiction as may be given by general law. But they shall not have jurisdiction in criminal cases in which the punishment may exceed six months' imprisonment, or a fine of over five hundred dollars; nor in actions in which title Jurisdiction of county courts.

to real estate is sought to be recovered, or may be drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars. (12 Neb., 281; 15 Neb., 11.)

Appeals to
district court.

SEC. 17. Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.

Jurisdiction of
justices of the
peace.

SEC. 18. Justices of the peace and police magistrates shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law; *Provided*, That no justice of the peace shall have jurisdiction of any civil case where the amount in controversy shall exceed two hundred dollars; nor in a criminal case where the punishment may exceed three months' imprisonment, or a fine of over one hundred dollars; nor in any matter wherein the title or boundaries of land may be in dispute. (4 Neb., 413.)

Laws to be
uniform.

SEC. 19. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments, and decrees of such courts severally shall be uniform. (4 Neb., 412.)

Terms of office.

SEC. 20. All officers provided for in this article shall hold their offices until their suc-

cessors shall be qualified, and they shall respectively reside in the district, county, or precinct for which they shall be elected or appointed. The terms of office of all such officers, when not otherwise prescribed in this article, shall be two years. All officers, when not otherwise provided for in this article, shall perform such duties and receive such compensation as may be provided by law. (4 Neb., 413; 15 Neb., 85.)

SEC. 21. In case the office of any judge of the supreme court, or of any district court, shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor shall be elected and qualified, and such successor shall be elected for the unexpired term at the first general election that occurs more than thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article shall be filled by election, but when the unexpired term does not exceed one year the vacancy may be filled by appointment, in such manner as the legislature may provide.

Vacancies in
office of judges,
how filled.

SEC. 22. The state may sue and be sued and the legislature shall provide by law in what manner and what courts suits shall be brought. (7 Neb., 101; 8 Neb., 218.)

Suits by and
against state.

SEC. 23. The several judges of the courts of record shall have jurisdiction at chambers as may be provided by law. (7 Neb., 386; 8 Neb., 298, 485; 13 Neb., 233.)

Jurisdiction at
chambers.

style of process.

SEC. 24. All process shall run in the name of "The State of Nebraska," and all prosecutions shall be carried on in the name of "The State of Nebraska." (1 Neb., 393; 4 Neb., 106, 392; 13 Neb., 381.)

ARTICLE VII.—RIGHTS OF SUFFRAGE.

Who are electors.

SECTION 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the state six months, and in the county, precinct, or ward for the term provided by law, shall be an elector.

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization at least thirty days prior to an election.

Who not qualified.

SEC. 2. No person shall be qualified to vote who is *non compos mentis*, or who has been convicted of treason or felony under the law of the state, or of the United States, unless restored to civil rights. (10 Neb., 267.)

Electors in military service.

SEC. 3. Every elector in the actual military service of the United States, or of this state, and not in the regular army, may exercise the right of suffrage at such place, and under such regulations as may be provided by law.

Soldiers or sailors not electors.

SEC. 4. No soldier, seaman, or marine in the army and navy of the United States, shall be deemed a resident of the state in consequence of being stationed therein.

SEC. 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same, and no elector shall be obliged to do military duty on the day of election, except in time of war and public danger.

Electors privileged from arrest.

SEC. 6. All votes shall be by ballot.

ARTICLE VIII.—EDUCATION.

SECTION 1. The governor, secretary of state, treasurer, attorney-general, and commissioner of public lands and buildings, shall, under the direction of the legislature, constitute a board of commissioners for the sale, leasing and general management of all lands and funds set apart for educational purposes, and for the investment of school funds in such manner as may be prescribed by law.

Board of education.

SEC. 2. All lands, money, or other property, granted or bequeathed, or in any manner conveyed to this state for educational purposes, shall be used and expended in accordance with the terms of such grant, bequest or conveyance.

Property, how used.

SEC. 3. The following are hereby declared to be perpetual funds for common school purposes; of which the annual interest or income only can be appropriated, to-wit:

Permanent school fund.

First. Such per centum as has been, or may hereafter be granted by congress on the sale of lands in this state.

Second. All moneys arising from the sale or leasing of sections number sixteen and thirty-six in each township in the state, and the lands

selected, or that may be selected in lieu thereof. (5 Neb., 103.)

Third. The proceeds of all lands that have been or may hereafter be granted to this state, where, by the terms and conditions of such grant, the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to the state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons. (5 Neb., 206.)

Fifth. All moneys, stocks, bonds, lands, and other property, now belonging to the common school fund.

Temporary
school fund

SEC. 4. All other grants, gifts, and devises that have been, or may hereafter be made to this state, and not otherwise appropriated by the terms of the grant, gift, or devise, the interest arising from all the rents of the unsold school lands, and such other means as the legislature may provide, shall be exclusively applied to the support and maintenance of common schools in each school district in the state. (5 Neb., 103, 206.)

Fines, penalties,
and license
moneys.

SEC. 5. All fines, penalties, and license moneys arising under the general laws of the state, shall belong and be paid over to the counties, respectively, where the same may be levied or imposed, and all fines, penalties, and license moneys arising under the rules, by-laws, or ordinances of cities, villages, towns, precincts, or other municipal subdivision less than a county, shall belong and be paid over

to the same respectively. All such fines, penalties, and license moneys shall be appropriated exclusively to the use and support of common schools in the respective sub-divisions where the same may accrue. (5 Neb., 310, 515; 6 Neb., 45; 8 Neb., 31, 162; 9 Neb., 184, 352, 404; 14 Neb., 477.)

SEC. 6. The legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. (12 Neb., 359.)

SEC. 7. Provision shall be made by general law for an equitable distribution of the income of the fund set apart for the support of the common schools, among the several school districts of the state, and no appropriation shall be made from said fund to any district for the year in which school is not maintained at least three months. (5 Neb., 104.)

SEC. 8. University, agricultural college, common school, or other lands, which are now held, or may hereafter be acquired by the state for educational purposes, shall not be sold for less than seven dollars per acre, nor less than the appraised value.

SEC. 9. All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds held by the state, and the state shall supply all losses thereof that may in any manner accrue, so that the same shall remain forever inviolate and undiminished; and shall not be invested or loaned except on United States or state securities, or registered county

bonds of this state; and such funds, with the interest and income thereof, are hereby solemnly pledged for the purposes for which they are granted and set apart, and shall not be transferred to any other fund for other uses. (5 Neb., 427.)

Government of
university.

SEC. 10. The general government of the university of Nebraska shall, under the direction of the legislature, be vested in a board of six regents, to be styled the board of regents of the university of Nebraska, who shall be elected by the electors of the state at large, and their term of office, except those chosen at the first election, as hereinafter provided, shall be six years. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties. (5 Neb., 426.)

Sectarian
instruction
prohibited.

SEC. 11. No sectarian instruction shall be allowed in any school or institution supported in whole or in part by the public funds set apart for educational purposes; nor shall the state accept any grant, conveyance, or bequest of money, lands, or other property, to be used for sectarian purposes.

Reform
schools.

SEC. 12. The legislature may provide by law for the establishment of a school or schools for the safe keeping, education, employment, and reformation of all children under the age of sixteen years, who, for want of proper parental care, or other cause, are growing up in mendicancy or crime.

ARTICLE IX.—REVENUE AND FINANCE.

SECTION 1. The legislature shall provide such revenue as may be needful by levying a tax by valuation, so that every person or corporation shall pay a tax in proportion to the value of his, her, or its property and franchises, the value to be ascertained in such manner as the legislature shall direct, and it shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, inn-keepers, liquor dealers, toll-bridges, ferries, insurance, telegraph, and express interests or business, venders of patents, in such manner as it shall direct by general law, uniform as to the class upon which it operates. (4 Neb., 301, 537; 5 Neb., 564; 7 Neb., 230; 9 Neb., 509; 12 Neb., 201, 364; 15 Neb., 6.)

SEC. 2. The property of the state, counties, ^{Exemption from taxation.} and municipal corporations, both real and personal, shall be exempt from taxation, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation, but such exemptions shall be only by general law. In the assessment of all real estate encumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property. The legislature may provide that the increased value of lands, by reason of live fences, fruit and forest trees grown and cultivated thereon, shall not be

taken into account in the assessment thereof.
(7 Neb., 230.)

Redemption
from sales of
land for taxes

SEC. 3. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof; *Provided*, That occupants shall in all cases be served with personal notice before the time of redemption expires. (14 Neb., 45; 15 Neb., 471.)

Taxes not to be
released.

SEC. 4. The legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever. (12 Neb., 364.)

County taxes.

SEC. 5. County authorities shall never assess taxes the aggregate of which shall exceed one and one-half dollars per hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county. (12 Neb., 256; 14 Neb., 23.)

Taxes of mu-
nicipal corpo-
rations.

SEC. 6. The legislature may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special assessments, or by special taxation of property benefitted. For all other corporate purposes, all municipal corporations may be

vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same. (4 Neb., 346; 7 Neb., 271; 8 Neb., 125.)

SEC. 7. Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes. Property exempt from payment of debts.

SEC. 8. The legislature at its first session shall provide by law for the funding of all outstanding warrants and other indebtedness of the state, at a rate of interest not exceeding eight per cent per annum. (6 Neb., 512.) Funding indebtedness.

SEC. 9. The legislature shall provide by law that all claims upon the treasury shall be examined and adjusted by the auditor and approved by the secretary of state before any warrant for the amount allowed shall be drawn; *Provided*, That a party aggrieved by the decision of the auditor and secretary of state may appeal to [the] district court. (7 Neb., 106, 112.) Claims upon state treasury.

ARTICLE [X.]—COUNTIES.

SECTION 1. No new county shall be formed or established by the legislature which will reduce the county or counties, or either of them, to a less area than four hundred square miles, nor shall any county be formed of a less area. Area of counties

SEC. 2. No county shall be divided, or have any part stricken therefrom without first sub- Division of counties.

mitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

Same.

SEC. 3. There shall be no territory stricken from any organized county unless a majority of the voters living in such territory shall petition for such division, and no territory shall be added to any organized county without the consent of the majority of the voters of the county to which it is proposed to be added; but the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for and obliged to pay its proportion of the indebtedness of the counties from which it has been taken.

Election of officers.

SEC. 4. The legislature shall provide by law for the election of such county and township officers as may be necessary.

Township organisation.

SEC. 5. The legislature shall provide by general law for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner that shall be provided by law. (6 Neb., 482.)

ARTICLE [XI.]—RAILROAD CORPORATIONS.

SECTION 1. Every railroad corporation organized or doing business in this state, under the laws or authority thereof, of any other state, or of the United States, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the amount of stock paid in and by whom, the transfers of said stock, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad corporation, or other parties having control of its road, shall annually make a report under oath, to the auditor of public accounts, or some officer to be designated by law, of the amount received from passengers and freight, and such other matters relating to railroads as may be prescribed by law. And the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Public office to be established.

SEC. 2. The rolling stock and all other movable property belonging to any railroad company or corporation in this state shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no law exempting any such property from execution and sale.

Property of railroad liable to sale on execution.

Consolidation
of stock, etc.,
prohibited.

SEC. 3. No railroad corporation or telegraph company shall consolidate its stock, property, franchises, or earnings, in whole or in part, with any other railroad corporation or telegraph company owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders in such manner as may be provided by law.

Rates of
charges.

SEC. 4. Railways heretofore constructed, or that may hereafter be constructed in this state, and hereby declared public highways, shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited.

Issuance of
stocks and
bonds.

SEC. 5. No railroad corporation shall issue any stock or bonds, except for money, labor or property actually received and applied to the purposes for which such corporation was created, and all stock, dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of railroad corporations shall not be increased for any purpose, except after public notice for sixty days, in such manner as may be provided by law.

Eminent do-
main.

SEC. 6. The exercise of the power and the right of eminent domain shall never be so con-

strued or abridged as to prevent the taking by the legislature of the property and franchises of incorporated companies already organized or hereafter to be organized, and subjecting them to the public necessity, the same as of individuals.

SEC. 7. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph, and railroad companies in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises. Abuses to be regulated by law.

SEC. 8. No railroad corporation, organized under the laws of any other state, or of the United States, and doing business in this state, shall be entitled to exercise the right of eminent domain, or have power to acquire the right of way, or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this state. Railroads organized in other states.

ARTICLE [XII.]—MUNICIPAL CORPORATIONS.

SECTION 1. No city, county, town, precinct, municipality, or other subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein, of any railroad or private corporation or association. Subscriptions prohibited.

ARTICLE [XII.]—MISCELLANEOUS CORPORATIONS.

SECTION 1. No corporation shall be created by special law, nor its charter extended, changed, Incorporations to be by general law.

or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state, but the legislature shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this section may be altered from time to time, or repealed. (5 Neb., 126, 427; 8 Neb., 179, 518.)

Right to construct street
railroads.

SEC. 2. No such general law shall be passed by the legislature granting the right to construct and operate a street railway within any city, town or incorporated village, without first requiring the consent of a majority of the electors thereof.

SEC. 3. All corporations may sue and be sued in like cases as natural persons.

Liability of
subscribers to
stock.

SEC. 4. In all cases of claims against corporations and joint stock associations, the exact amount justly due shall be first ascertained, and after the corporate property shall have been exhausted the original subscribers thereof shall be individually liable to the extent of their unpaid subscription, and the liability for the unpaid subscription shall follow the stock. (8 Neb., 118.)

Elections, how
held.

SEC. 5. The legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall [have] the right to vote in person or proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes

as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them upon the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

SEC. 6. All existing charters or grants of ^{Existing charters.} special or exclusive privileges under which organization shall not have taken place, or which shall not be in operation within sixty days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

SEC. 7. Every stockholder in a banking corporation or institution shall be individually ^{Liability of stockholders in banks.} responsible and liable to its creditors, over and above the amount of stock by him held, to an amount equal to his respective stock or shares so held, for all its liabilities accruing while he remains such stockholder; and all banking corporations shall publish quarterly statements, under oath, of their assets and liabilities.

ARTICLE [XIV.]—STATE, COUNTY, AND MUNICIPAL
INDEBTEDNESS.

SECTION 1. The state may, to meet casual ^{Bonds of the state.} deficits or failures in the revenues, contract debts never to exceed in the aggregate one hundred thousand dollars; and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war; and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources

of revenue, which law providing for the payment of such interest by such tax shall be ir-repealable until such debt be paid. (2 Neb., 399.)

Donations by cities, etc., to aid in works of internal improvement.

SEC. 2. No city, county, town, precinct, municipality, or other subdivision of the state, shall ever make donations to any railroad or other works of internal improvement, unless a proposition so to do shall have been first submitted to the qualified electors thereof at an election by authority of law; *Provided*, That such donations of a county with the donations of such subdivisions in the aggregate shall not exceed ten per cent of the assessed valuation of such county; *Provided further*, That any city or county may, by a two-thirds vote, increase such indebtedness five per cent, in addition to such ten per cent, and no bonds or evidences of indebtedness so issued shall be valid unless the same shall have endorsed thereon a certificate signed by the secretary and auditor of state, showing that the same is issued pursuant to law. (2 Neb., 423; 6 Neb., 215; 7 Neb., 310; 12 Neb., 129, 185; 14 Neb., 283.)

State credit not to be loaned.

SEC. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation.

ARTICLE [XV.]—MILITIA.

Militia.

SECTION 1. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same.

ARTICLE [XVI.]—MISCELLANEOUS PROVISIONS.

SECTION 1. Executive and judicial officers Oath of officers. and members of the legislature, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the state of Nebraska, and will faithfully discharge the duties of ——— according to the best of my ability, and that at the election at which I was chosen to fill said office I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company, or person, or any promise of office for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation.)" Any such officer or member of the legislature who shall refuse to take the oath herein prescribed, shall forfeit his office, and any person who shall be convicted of having sworn falsely to, or of violating his oath, shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this state, unless he shall have been restored to civil rights.

SEC. 2. Any person who is in default as collector and custodian of public money or property, shall not be eligible to any office of trust or profit under the constitution or laws of this state; nor shall any person convicted of felony

Who ineligible to office.

be eligible to office unless he shall have been restored to civil rights.

Drunkeness. SEC. 3. Drunkeness shall be cause of impeachment and removal from office.

ARTICLE [XVII.]—AMENDMENTS.

How made. SECTION 1. Either branch of the legislature may propose amendments to this constitution, and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and published at least once each week in at least one newspaper in each county, where a newspaper is published, for three months immediately preceding the next election of senators and representatives, at which election the same shall be submitted to the electors for approval or rejection, and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this constitution. When more than one amendment is submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

Convention to revise constitution.

SEC. 2. When three-fifths of the members elected to each branch of the legislature deem it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the electors to vote at the next election of members of the legislature for or against a convention; and if a majority voting at said election vote for a convention, the legislature shall, at its next session, provide by

law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid. No amendment or change of this constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same. (See chap. 3, Comp. Stat., 53.)

ARTICLE [XIII.]—SCHEDULE.

SECTION 1. That no inconvenience may arise Rights preserved. from the revision and changes made in the constitution of this state, and to carry the same into effect, it is hereby ordained and declared that all laws in force at the time of the adoption of this constitution not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this state, individuals, or bodies corporate, shall continue to be as valid as if this constitution had not been adopted. (4 Neb., 529; 6 Neb., 302.)

SEC. 2. All fines, taxes, penalties, and forfeitures owing to the state of Nebraska, or to the people thereof, under the present constitution and laws, shall inure to the use of the people of the state of Nebraska under this constitution. Fines, taxes, etc., to inure to people.

SEC. 3. Recognizances, bonds, obligations, and all other instruments entered into or executed upon the adoption of this constitution, to the people of the state of Nebraska, to the Recognizances, etc., to remain valid.

state of Nebraska, to any state or county officer, or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue; and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this state.

Jurisdiction of courts.

SEC. 4. All existing courts which are not in this constitution specifically enumerated, and concerning which no other provision is herein made, shall continue in existence, and exercise their present jurisdiction until otherwise provided by law.

Persons to continue in office.

SEC. 5. All persons now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions, elections, or appointments, unless by this constitution it is otherwise directed. (7 Neb., 48.)

District attorneys.

SEC. 6. The district attorneys now in office shall continue during their unexpired terms to hold and exercise the duties of their respective offices in the judicial districts herein created, in which they severally reside. In each of the remaining districts one such officer shall be elected at the first general election, and hold his office until the expiration of the terms of those now in office.

Constitution, when submitted.

SEC. 7. This constitution shall be submitted to the people of the state of Nebraska for adoption or rejection at an election to be held on the second Tuesday of October, A. D. 1875, and there shall be separately submitted at the same time, for adoption or rejection, the independent article relating to "Seat of Government," and

the independent article "Allowing electors to express their preference for United States senator."

SEC. 8. At said election the qualified electors Election for. shall vote at the usual places of voting, and the said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections, except as herein, otherwise provided.

SEC. 9. The secretary of state shall, at least Duties of secretary of state. twenty days before said election, cause to be delivered to the county clerk of each county, blank poll books, tally lists, and forms of return, and twice as many of properly prepared printed ballots for the said election as there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary as is by law required to be audited and paid; and the several county clerks shall, at least five days before said election, cause to be distributed to the judges of election, in each election precinct in their respective counties, said blank poll books, tally lists, forms of return, and tickets.

SEC. 10. At the said election the ballots shall Forms of ballot. be of the following form:

For the new constitution.

Against the new constitution.

For the article relating to "Seat of government."

Against the article relating to "Seat of government."

For the article "Allowing electors to express their preference for United States senators."

Returns of
elections.

SEC. 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this constitution, and for or against the articles respectively submitted shall be made by the several county clerks to the secretary of state, within fourteen days after the election, and the returns of the said vote shall within three days thereafter be examined and canvassed by the president of this convention, the secretary of state, and the governor, or any two of them, and proclamation shall be made forthwith by the governor, or the president of this convention, of the result of the canvass.

Result of can-
vass.

SEC. 12. If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this new constitution as was not separately submitted to be voted on by article shall be the supreme law of the state of Nebraska, on and after the first day of November, A. D. 1875. But if it shall appear that a majority of the votes pulled were "against the new constitution," the whole thereof, including the articles separately submitted, shall be null and void. If the votes "for the new constitution" shall adopt the same, and it shall appear that a majority of the votes polled are for the article relating to the "seat of government," said article shall be a part of the constitution of this state. If the votes "for the new constitution" shall adopt the same and it shall appear that the majority of the votes polled are for the article "allowing electors to express their preference for United States

senator," said article shall be a part of the constitution of this state.

SEC. 13. The general election of this state shall be held on the Tuesday succeeding the first Monday of November of each year, except the first general election, which shall be on the second Tuesday in October, 1875. All state, district, county, precinct, and township officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages, and towns, shall be elected at a general election to be held as aforesaid. Judges of the supreme, district, and county courts, all elective county and precinct officers, and all other elective officers, the time for the election of whom is not herein otherwise provided for, and which are not included in the above exception, shall be elected at the first general election, and thereafter at the general election next preceding the time of the termination of their respective terms of office; *Provided*, That the office of no county commissioner shall be vacated hereby.

General election, when held.

SEC. 14. The terms of office of all state and county officers, or judges of the supreme, district, and county courts, and regents of the university, shall begin on the first Thursday after the first Tuesday in January, next succeeding their election. The present state and county officers, members of the legislature, and regents of the university shall continue in office until their successors shall be elected and qualified. (7 Neb., 44, 49.)

Terms of office.

Successors of
supreme court,
etc.

SEC. 15. The supreme, district, and county courts established by this constitution shall be the successors respectively of the supreme court, the district courts, and the probate courts, having jurisdiction under the existing constitution. (9 Neb., 265; 15 Neb., 11.)

SEC. 16. The supreme, district, and probate courts now in existence shall continue, and the judges thereof shall exercise the power and retain their present jurisdiction until the courts provided for by this constitution shall be organized.

Same.

SEC. 17. All cases, matters, and proceedings pending and undetermined in the several courts, and all records, judgments, orders, and decrees remaining therein, are hereby transferred to and shall be proceeded and enforced in and by the successors thereof respectively.

Existing con-
stitution to
cease.

SEC. 18. If this constitution be adopted the existing constitution shall cease in all its provisions on the first day of November, A.D. 1875. (7 Neb., 273)

Provisions tak-
ing immediate
effect.

SEC. 19. The provisions of this constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately.

Duty of legisla-
ture.

SEC. 20. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

State officers to
take oath.

SEC. 21. On the taking effect of this constitution, all state officers hereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this constitution.

SEC. 22. The regents of the university shall be elected at the first general election under this constitution and be classified by lot, so that two shall hold their offices for the term of two years, two for the term of four years, and two for the term of six years.

Regents of university, how classified.

SEC. 23. The present executive state officers shall continue in office until the executive state officers provided for in this constitution shall be elected and qualified. (4 Neb., 219; 9 Neb., 467.)

Executive officers to be continued in office.

SEC. 24. The returns of the whole vote cast for the judges of the supreme and district courts, district attorneys, and regents of the university under the first general election, shall be made by the several county clerks to the secretary of state within fourteen days after the election; and the returns of the said votes shall within three days thereafter be examined and canvassed by the governor, secretary of state and the president of this convention, or any two of them, and the certificates of election shall forthwith be issued by the secretary of state to the persons found to be elected.

Returns of votes cast at first election.

SEC. 25. The auditor shall draw the warrants of the state quarterly for the payment of the salaries of all officers under this constitution, whose compensation is not otherwise provided for, which shall be paid out of any funds not otherwise appropriated. (4 Neb., 216; 6 Neb., 16.)

Salaries to be paid by warrant of auditor.

SEC. 26. Until otherwise provided by law the judges of the district courts shall fix the time

of holding courts in their respective districts.
(8 Neb., 493; 9 Neb., 162.)

Members of
first legislature

SEC. 27. The members of the first legislature under this constitution shall be elected in the year 1876.

Enrollment of
constitution.

SEC. 28. This constitution shall be enrolled and deposited in the office of the secretary of state, and printed copies thereof shall be prefixed to the books containing the laws of the state, and all future editions thereof.

PROPOSITIONS SEPARATELY SUB- MITTED.*

ALLOWING ELECTORS TO EXPRESS THEIR PREFERENCE FOR UNITED STATES SENATOR.

Adopted.

The legislature may provide that at the general election immediately preceeding the expiration of a term of a United States senator from this state, the electors may by ballot express their preference for some person for the office of United States senator. The votes cast for such candidates shall be canvassed and returned in the same manner as for state officers.

SEAT OF GOVERNMENT.

Adopted.

The seat of government of the state shall not be removed or re-located without the assent of a majority of the electors of the state, voting thereupon at a general election or elections, under such rules and regulations as to the number of elections and manner of voting, and places

*Both propositions were adopted.

to be voted for, as may be prescribed by law; *Provided*, The question of removal may be submitted at such other general elections as may be provided by law.

Done in convention at the capitol, in the city of Lincoln, on the 12th day of June, in the year of our Lord one thousand eight hundred and seventy-five, and of the independence of the United States of America, the ninety-ninth.

In witness whereof we have hereunto subscribed our names.

JOHN LEE WEBSTER, President.

O. A. ABBOTT,
SAMUEL MAXWELL,
ANDREW HALLNER,
LUKE AGUR,
JOHN McPHERSON,
J. D. HAMILTON,
J. P. BECKER,
W. H. MUNGER,
JAMES HARPER,
J. E. BOYD,
J. H. PEERY,
ROBT. B. HARRINGTON,
CLINTON BRIGGS,
C. W. PIERCE,
J. B. HAWLEY,
JEFFERSON H. BROADY,
S. B. POUND,
M. L. HAYWARD,
CHARLES H. BROWN,
ISAAC POWERS, Jr.,
D. P. HENRY,
S. F. BURTCH,
M. B. REES,
B. I. HINMAN,
S. H. CALHOUN,
W. M. ROBERTSON,
M. R. HOPEWELL,
E. C. CARNS,
JOSIAH ROGERS,
C. E. HUNTER,
T. S. CLARK,
S. H. SAULS,
A. G. KENDALL,
J. H. COATES,

H. H. SHEDD,
S. M. KIRKPATRICK,
A. H. CONNER,
GEORGE S. SMITH,
JOHN J. THOMPSON,
W. B. CUMMINS,
W. H. STERNS,
L. B. THORNE,
JAMES W. DAWES,
R. F. STEVENSON,
JACOB VALLERY, Sr.,
J. E. DOOM,
S. R. FOSS,
C. H. VAN WYCK,
W. L. DUNLAP,
C. F. PRADY,
CHARLES F. WALTHER,
R. C. ELDRIDGE,
JOSEPH GARBER,
A. M. WALLING,
J. G. EWAN,
C. H. GERE,
T. L. WARRINGTON,
JAMES LAIRD,
HENRY GREBE,
A. J. WEAVER,
CHAS. F. MANDERSON,
EDWIN N. GRENELL,
M. W. WILCOX,
FRANK MARTIN,
GEORGE L. GRIFFING,
J. F. ZEDIKER,
A. W. MATTHEWS,
WILLIAM A. GWYER.

ATTEST:

GUY A. BROWN, Secretary,
O. L. MATHER, Assistant Secretary,

GENERAL LAWS.

GENERAL LAWS.

CHAPTER I.

[Senate File No. 37.]

AN ACT to define the boundaries of Hooker county, Nebraska.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That all that portion of the state of Nebraska commencing at the south-east corner of township twenty-one (21) north, of range thirty-one (31) west of the sixth principal meridian; thence north along the west boundary line of Thomas county to the north-east corner of township twenty-four (24) north, of range thirty-one (31) west; thence west along the south line of Cherry county to the north-west corner of township twenty-four (24) north, of range thirty-five (35) west; thence south along the east boundary line of Grant county to the south-west corner of township twenty-one (21) north, of range thirty-five (35) west; thence east along the north boundary line of McPherson county to the place of beginning, be and the same shall constitute the county of Hooker.

Hooker
county, bound-
aries of.

Emergency
clause.

SEC. 2. Whereas, an emergency exists, therefore this act shall be in force and take effect from and after its passage.

Approved March 29th, 1889.

CHAPTER 2.

[Senate File No. 183.]

AN ACT to amend section seventy-eight (78), chapter seventeen (17) of the Compiled Statutes of the State of Nebraska for 1887, defining the boundaries of Wayne county, and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 78, Chap.
17, Comp.
Stat.

SECTION 1. That section seventy-eight (78) of of said chapter be so amended as to read as follows:

Wayne county,
boundaries of.

SEC. 78. The county of Wayne is bounded as follows: Commencing at the south-west corner of township twenty-five (25) north, of range one (1) east; thence east to the south-east corner of section thirty-four (34), township twenty-five (25) north, of range five (5) east; thence north to the north-east corner of section three (3), township twenty-six (26) north of range five (5) east; thence west to the north-east corner of township twenty-six (26) north, of range three (3) east; thence north to the north-east corner of township twenty-seven (27) north, of range three (3) east; thence west to the north-west corner of township twenty-seven (27) north, of range one (1) east; thence south to the place of beginning.

SEC. 2. That section seventy-eight (78), of ^{of Repealing clause.} chapter seventeen (17), Compiled Statutes of the state of Nebraska for 1887, is hereby repealed.

SEC. 3. Whereas, an emergency exists, this ^{Emergency clause.} act shall take effect and be in force from and after its passage.

Approved March 28th, 1889.

CHAPTER 3.

[Senate File No. 184.]

AN ACT defining the boundaries of Thurston county.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. The territory bounded as follows ^{Thurston county, boundaries of.} shall constitute the county of Thurston:

Commencing at the south-east corner of section thirty-four (34), township twenty-five (25) north, of range five (5) east sixth principal meridian; thence east to the north-east corner of township twenty-four (24) north, of range seven (7) east sixth principal meridian; thence south to the south line of the Omaha Indian Reservation as originally surveyed; thence east along said line to the south-west corner of section twenty-eight (28), township twenty-four (24) north, of range ten (10) east sixth principal meridian; thence north to the north-west corner of section twenty-one (21), township twenty-four (24) north, of range ten (10) east sixth principal meridian; thence east to the eastern boundary of the state of Nebraska. thence in a

north-westerly direction along said boundary line to its intersection with the section line dividing sections twenty-five (25) and thirty-six (36), township twenty-seven (27) north, of range nine (9) east sixth principal meridian; thence west to the north-west corner section thirty-four (34), township twenty-seven (27), north range six (6) east sixth principal meridian; thence south to the south-west corner of section thirty-four (34), township twenty-seven (27) north, range six (6) east sixth principal meridian; thence west to the north-west corner of section two (2), township twenty-six (26) north, of range five (5) east sixth principal meridian; thence south to the place of beginning.

Repealing
clause.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 28th, 1889.

CHAPTER 4.

[Senate File No. 185.]

AN ACT to amend section seven (7), chapter seventeen (17), Compiled Statutes of the state of Nebraska of 1887, defining the boundaries of Burt county. And to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 7, Chap.
17, Comp. Stat.

SECTION 1. That section seven (7) of said act be so amended to read as follows:

SEC. 7. That the territory bounded as follows, commencing at a point where the north line of sections twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) of township twenty-four (24) north, of range ten (10) east of sixth principal meridian, intersects the east boundary line of the state of Nebraska; thence west along said section lines to the north-west corner of said section twenty-one (21); thence south along the west line of said sections twenty-one (21) and twenty-eight (28) to the south boundary line of the Omaha Indian Reservation; thence west on the south boundary line of said reservation to the line dividing ranges seven (7) and eight (8) east; thence south by said line to the south line of township twenty-one (21) north, of range eight (8) east; thence east by said line to the northeast corner of section six (6) in township twenty (20) north of range nine (9) east; thence south by section lines one (1) mile east of the guide meridian to the south-west corner of section twenty (20) in township twenty (20) north; of range nine (9) east; thence east by section lines to the state boundary; thence northwardly up said boundary to the place of beginning, shall constitute the county of Burt.

Burt county,
boundaries of.

SEC. 2. (That said section seven (7), chapter seventeen (17) Compiled Statutes of the state of Nebraska is hereby repealed.

Repealing
clause.

SEC. 3. Whereas, an emergency exists, therefore be it enacted that this act shall take effect and be in force from and after its passage.

Emergency
clause.

Approved March 28th, 1889.

CHAPTER 5.

[House Roll No. 199.]

AN ACT to amend sections four (4) and eleven (11) of article one (1), chapter eighteen (18), of Compiled Statutes of 1887.

Be it enacted by the Legislature of the State of Nebraska:

Amendment of
Sec. 4, Art. 1,
Chap. 18,
Comp. Stat.

SECTION 1. That section four (4), article one (1), of chapter eighteen (18), of the Compiled Statutes of Nebraska of 1887, be amended to read as follows:

Transferring
territory to be
submitted on
petition at ex-
piration of
three years.

When a majority of the legal voters residing upon any territory shall petition the county board of their own county and also of the county to which they desire such territory to be transferred, for leave to have such territory transferred to such county, it shall be the duty of the several county boards so petitioned, to submit the question at the next general election in said counties; provided, that no such petition shall be granted until after the expiration of three years from last submission of the question.

Amendment to
Sec. 11, Art. 1,
Chap. 18,
Comp. Stat.

SEC. 2. That section eleven (11), article one (1), chapter eighteen (18), of Compiled Statutes of state of Nebraska, of 1887, be amended to read as follows:

Elections—
Three-fifths of
all votes cast
necessary to
create new
county.

If it shall appear that three-fifths of all the votes cast at such election in each of the counties interested is in favor of the erection of such new county, the county clerk of each said counties shall certify the same to the

secretary of state, stating in such certificate the name, territorial contents and boundaries of such new county; whereupon the secretary of state shall notify the governor of the result of such election, whose duty it shall be to order an election of county officers for such new county at such time as he shall designate, and he may, when necessary, fix the place of holding election, notice of which shall be given in such manner as the governor shall direct. At such election the qualified voters of said new county shall elect all county officers for said county, except as hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and who shall continue in office until the next general election for such officers and until their successors are elected and qualified, and who shall have all the jurisdiction and perform all the duties which are or may be conferred upon such officers in other counties of this state.

SEC. 3. That said original sections four (4) ^{Repealing clause.} and eleven (11) are hereby repealed, and that all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 16th, 1889.

CHAPTER 6.

[House Roll No. 258.]

AN ACT to amend section sixty-four (64) of chapter eighteen (18) of the Compiled Statutes of the state of Nebraska as said section is now in force and existence and to repeal said section sixty-four (64).

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 64, Art. 1,
Chap. 18,
Comp. Stat.

SECTION 1. That section sixty-four (64), of article one (1), of chapter eighteen (18) of the Compiled Statutes of the state of Nebraska as said section is now in force and existence, be and the same is hereby amended so as to read as follows:

Board of super-
visors regular
meetings.

SEC. 64. The regular meetings of the Board of Supervisors in all counties having township organization shall be held on the second Tuesday of January and the first Tuesday after the second Monday in July.

Repealing
clause.

SEC. 2. That section sixty-four (64), of article one (1) of chapter eighteen (18) of the Compiled Statutes of the state of Nebraska as the said section is now in force and existence, be and the same is hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval according to law.

Approved March 26th, 1889.

CHAPTER 7.

[Senate File No. 167]

AN ACT relating to highways and bridges and liabilities of counties for not keeping same in repair.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That whenever any highway or bridge in any county in this state shall be out of repair or unsafe for travel, any three citizens or tax payers in the state may notify the county commissioners of the commissioner district, within which the said road or bridge is situated, or if the county be under township organization, the supervisor of the town in which it is situated, in writing, setting forth a description of the road or bridge and the defects therein.

Notice must be given Co. Com. when road or bridge is unsafe.

SEC. 2. It shall then be the duty of the said commissioner of the said county or counties, within twenty-four (24) hours after service of said notice, to commence to make suitable repairs to said highway or bridge and to place it in a safe condition for travel.

Commissioner to make repairs.

SEC. 3. If the said road or bridge shall be on the line between two counties, then the commissioners of the respective districts within which said road or bridge is located, of the respective counties shall be served with the said notice, or if it be on the line between two townships in counties under township organization, then the supervisors of both town-

When road or bridge on county line, Com. of each Co. to be notified.

ships in which said road or bridge is situated shall be notified in like manner.

Counties liable for damage to person or property.

SEC. 4. If special damage happens to any person, his team, carriage, or other property, by means of insufficiency or want of repairs of a highway or bridge which the county or counties are liable to keep in repair, the person sustaining the damage may recover in a case against the county, and if damages accrue in consequence of the insufficiency or want of repair of a road or bridge erected and maintained by two or more counties, the action can be brought against all of the counties liable for the repairs of the same, and damages and costs shall be paid by the counties in proportion as they are liable for the repairs; *Provided, however*, that such action is commenced within thirty (30) days of the time of said injury or damage occurring.

Approved March 30th, 1889.

CHAPTER 8.

[House Bill

AN ACT to authorize the county board of any county in which a city of the metropolitan, or cities of first class having over twenty-five thousand inhabitants, is situated, to grade, pave or otherwise improve roads leading thereto, and to assist such city in the improvement of such roads within the corporate limits as are extensions of roads leading thereto.

Be it enacted by the Legislature of the State of Nebraska.

County board to aid in grading or improving streets leading into cities of the metropolitan or first-class.

SECTION 1a. The county board of any county in which any city of the metropolitan, or city

of first class having over twenty-five thousand inhabitants, is situated, is hereby authorized and empowered whenever the road fund of said county will warrant it, to aid in the grading, paving, or otherwise improving of any street, avenue or boulevard leading into such city and within the corporate limits thereof, by providing for payment of not exceeding one-half of the cost of such grading and not exceeding the cost of the paving of intersections; and shall also be authorized and empowered to grade, pave or otherwise improve any street, avenue, boulevard or road, or any portion thereof leading into and adjacent to any such city, outside of the corporate limits, thereof and within two miles from such corporate limits, including any portion thereof leading into or across any village or town, and for such improvements outside of the corporate limits of any such city as hereinafter authorized and directed.

SEC. 16. Whenever the county board shall contemplate the making of such improvements outside of the corporate limits of any such city they shall notify the county surveyor, whose duty it shall be to make an examination of the proposed improvement and report an estimate of the cost thereof to said board. If upon the coming in of such report the county board determine to make the improvement, they shall cause personal notice to be served on the owners of property abutting on said road of their intention to make such improvement, and if the owner is a non-resident, then by personal service on the agent of such non-resident, if he

Proceeding where such improvements are outside of corporate limits of such city.

have one residing in the county, and in case he has no such agent, by publishing such notice in a newspaper published in and of general circulation in said county, and upon the proof of service or publication of such notice aforesaid and after giving such owner an opportunity to be heard, the board shall decide upon the material to be used in such improvement and enter an order upon their records for the construction thereof.

How cost of
improvement
to be paid.

SEC. 1c. Two-thirds of the cost of any improvement outside of the corporate limits of any city authorized by this act shall be paid by said board out of the road fund of said county, one-third by special assessment on all real estate abutting on or adjacent to such improvement to a depth not exceeding 500 feet on each side thereof to the extent of the special benefits to such real estate by reason of such improvement; the benefits to such real estate to be determined by said board, after publication in a newspaper of general circulation in the county of notice to the owners of said real estate at least ten days prior to such determination. Such assessment may be according to the front foot of the real estate along the line of such improvement or according to such rule as said board may adopt for the distribution and equalization of the said one-third of the said cost, and the amount so assessed shall be placed upon the tax list for the ensuing year and collected in the same manner and at the same time as the tax on other property, and when collected, credited to the road fund of said county.

SEC. 1*d*. All contracts for the construction of such improvements outside of the corporate limits of any such city shall be let to the lowest responsible bidder who will enter into bonds for the faithful performance thereof, in such amount and with such securities as the county board may determine. All payments on such contract shall be made by warrants drawn on the road fund of said county.

Work to be let
to lowest bid-
der.

SEC. 1*e*. That section 1*a*, 1*b*, 1*c*, 1*d* of chapter 78, of the Compiled Statutes of 1887, be and the same are hereby repealed.

Repealing
clause.

SEC. 1*f*. That whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Emergency
clause.

Approved March 30th, 1889.

CHAPTER 9.

[Senate File No. 12.]

AN ACT to authorize and empower cities of the second class to vote upon propositions to issue bonds and to devote the proceeds thereof in aid of the construction of a county court house.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. The mayor and council of cities of the second class, shall have and hereby are given the power and authority to borrow money and pledge the property and credit of such city upon its negotiable bonds in an amount not to exceed five (5) per centum of the assessed valuation of the taxable property

Cities of sec-
ond class may
issue bonds to
aid the county
to build, re-
pair or furnish
a court house.

within the limits of such city for the purpose of aiding in the building, erecting, constructing or repairing and furnishing a county court house, in addition to bonds already voted by the county; authority for the issuance of such bonds having first been obtained by a three-fifths (3-5) vote of the qualified electors of such city voting on a proposition for such purpose at any general or special election; such proposition to be submitted to such electors in the manner now provided by the laws of this state for the submission of propositions to aid in the construction of railroads and other works of internal improvements, such bonds to bear interest not to exceed six per centum per annum, and to be sold for not less than par and run not to exceed twenty years.

Manner of holding elections and making returns.

SEC. 2. The election, at which any such proposition shall be voted upon shall in all respects be conducted and the returns shall be canvassed and declared in the manner now provided by law for such purposes at general elections held in such cities.

Emergency clause.

SEC. 3. Whereas, an emergency exists, therefore this act shall be in force and shall take effect from and after its passage.

Approved February 15th, 1889.

CHAPTER 10.

House Roll No. 286.]

AN ACT to amend the second division of section twenty-five (25), chapter eighteen (18) of the Compiled Statutes of Nebraska of 1887, in relation to county buildings and offices, and to repeal said second division.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the second division of section twenty-five (25), chapter eighteen (18), of the Compiled Statutes of Nebraska of 1887, shall be amended so as to read as follows:

SEC. 25. To erect or otherwise provide a suitable court house, jail, and other necessary county buildings, and for that purpose to borrow money and issue the bonds of the county to pay the same; to keep the said buildings in repair and to provide suitable rooms and offices for the accommodation of the several courts of record, the county board, clerk, treasurer, sheriff, clerk of the district court, county superintendent, county surveyor, and county attorney (provided said county attorney shall hold his office at the county seat), and suitable furniture therefor.

But no appropriation exceeding fifteen hundred dollars (\$1,500) shall be made for the erection of any county buildings without first submitting the proposition to a vote of the people of the county at a general election or a special election ordered by said board for that purpose,

Amendment to
Sec. 25, Chap.
18, Comp.
Stat.

County build-
ings may be
authorized and
bonds issued
on a majority
vote.

and the same is ordered by a majority of the legal voters voting thereon.

Repealing
clause.

SEC. 2. That division second of section twenty-five (25), chapter eighteen (18), of the Compiled Statutes of Nebraska of 1897, be and the same is hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved February 26th, 1889.

CHAPTER 11.

[House Roll No. 262.]

AN ACT to amend section sixty-one (61) of article four (4) of chapter eighteen (18), of the Compiled Statutes of Nebraska, entitled, "Counties and County Officers," and to repeal said section sixty-one (61) as heretofore existing.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 61, Art. 4,
Chap. 18,
Comp. Stat.

SECTION 1. That section sixty-one (61) of article four (4) of chapter eighteen (18) of the Compiled Statutes of Nebraska be amended to read as follows:

Board of super-
visors—per
diem and
mileage.

SEC. 61. The board of supervisors shall meet at such times as may be provided by law, and each member thereof shall be allowed, when actually employed, the sum of three dollars per day and mileage at the rate of five cents per mile for each mile necessarily traveled, and no more, as compensation for his services and expenses in attending the meetings of the board

or any other business for the benefit of the county.

Provided, That mileage shall only be allowed for one round trip to each member for each regular or special session of the county board, but mileage shall be allowed as hereinbefore provided for all necessary travel by committees.

Provided, that nothing herein contained shall be so construed as to allow the supervisor more than two dollars per day while actually employed as member of his township board.

SEC. 2. That section sixty-one (61) of article four (4) of chapter eighteen (18) of the Compiled Statutes of the state of Nebraska, as heretofore existing, is hereby repealed. Repealing clause.

Approved March 21st, 1889.

CHAPTER 12.

[Senate File No. 191.]

AN ACT to amend section one (1), of chapter thirty (30), of the laws of 1887, approved March 30th, 1887, and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section one (1), of chapter thirty (30), of the laws of 1887, be amended so Amendment to Sec. 1, Chap. 30, Laws 1887. as to read as follows:

SEC. 1. At the general election in the year 1889, and every four years thereafter, a register of deeds shall be elected in and for each county having a population of eighteen thousand and Register of deeds.

- three (18,003) inhabitants or more, to be ascertained by the census of 1885, and each state and national census thereafter, who shall give bond with sufficient sureties thereon, to be approved by the county board in the penal sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance of his duties, and such register of deeds shall have all the powers, and perform all the duties relative to all papers, writings and instruments pertaining to real estate heretofore enjoined by law upon county clerks, and shall receive the compensation allowed by law therefor.
- Bond.**
- Powers and duties.**
- Term of office, begins when.** Said register of deeds shall assume the duties of his office on the first Thursday after the first Tuesday in January following his election, and shall keep his office at the county seat of the county in and for which he shall be elected,
- Excess of fees.** and each register of deeds whose fees in the aggregate exceed the sum of fifteen hundred dollars (\$1,500.00) in any one year after the payment of the necessary deputy and clerk hire, shall pay such excess into the treasury of the county in which he holds his office.
- Compensation.** *Provided, however,* That in counties having more than twenty-five thousand (25,000) and less than sixty thousand (60,000) inhabitants, the register of deeds shall receive the sum of two thousand dollars (\$2,000.00) per annum, after payment of deputy and clerk hire, as herein provided; and,
- Same.** *Provided, further,* That in counties having more than sixty thousand (60,000) inhabitants, the register of deeds shall receive the sum of two

thousand five hundred dollars (\$2,500.00) per annum, after the payment of the necessary deputy and clerk hire as hereinbefore provided;

Provided, further, That in counties of sixty ^{Salary of deputy.} thousand (60,000) inhabitants or less, the register of deeds may retain no more than one thousand dollars (\$1,000.00) per annum for the services of each deputy, nor more than sixty dollars (\$60.00) per calendar month for the services of each copyist, or assistant; and that in counties having more than sixty thousand (60,000) inhabitants, he may retain no more than twelve hundred dollars (\$1,200.00) per annum for the services of each deputy, nor more than sixty dollars (\$60.00) per calendar month for the services of each copyist or assistant; and,

Provided, further, That in no instance shall such register of deeds receive more than the ^{Register not to receive more than fees collected.} fees by him collected, nor shall any money be retained by him for services of deputies or assistants unless the same be actually paid to such deputies or assistants for their services.

SEC. 2. That section one (1), of chapter thirty ^{Repealing clause.} (30), of the laws of 1887, as now existing, is hereby repealed.

Approved March 23d, 1889.

CHAPTER 13.

[House Roll No. 65.]

CITIES OF THE METROPOLITAN CLASS.

Section.

1. Corporate limits. Amendment of sec. 3, ch. 10, Laws of 1887.
2. Councilmen, qualification and bond. Amendment of sec. 12, ch. 10, Laws of 1887.
3. Power to create an office. Amendment to sec. 17, ch. 10, Laws of 1887.
4. Additions, how laid out. Amendment to sec. 23, ch. 10, Laws of 1887.
5. Sanitary regulations. Amendment to sec. 30, ch. 10, Laws of 1887.
6. Inspection of steam boilers and plumbing. Amendment to sec. 35, ch. 10, Laws of 1887.
7. Fire limits. Amendment to sec. 36, ch. 10, Laws of 1887.
8. Construction of buildings and fire escapes. Amendment to sec. 37, ch. 10, Laws of 1887.
9. Lighting of streets; telephone service. Amendment to sec. 50, ch. 10, Laws of 1887.
10. Hospitals and other buildings. Amendment to sec. 55, ch. 10, Laws of 1887.
11. Public libraries, reading room, art gallery, and museums. Amendment to sec. 59, ch. 10, Laws of 1887.
12. Appropriation of private property. Amendment to sec. 64, ch. 10, Laws of 1887.
13. Issue of bonds; rates of interest. Amendment to sec. 68, ch. 10, Laws of 1887.
14. Streets and sidewalks. Amendment to sec. 69, ch. 10, Laws of 1887.
15. Railway companies shall pave right of way. Amendment to sec. 70, ch. 10, Laws of 1887.
16. Refusal to pave. Amendment to sec. 71, ch. 10, Laws of 1887.
17. Water, gas, and sewer connections before paving. Amendment to sec. 72, ch. 10, Laws of 1887.
18. Special taxes for public improvement. Amendment to sec. 73, ch. 10, Laws of 1887.
19. Method of levying special sewerage tax. Amendment to sec. 74, ch. 10, Laws of 1887.
20. Objects of tax, maximum amount. Amendment to sec. 79, ch. 10, Laws of 1887.
21. Board of equalization. Amendment to sec. 85, ch. 10, Laws of 1887.

Section.

22. Taxes, when delinquent. Amendment to sec. 86, ch. 10, Laws of 1887.
23. City clerk to make tax list. Amendment to sec. 87, ch. 10, Laws of 1887.
24. City treasurer to make delinquent tax list. Amendment to sec. 91, ch. 10, Laws of 1887.
25. Warrants. Amendment to sec. 96, ch. 10, Laws of 1887.
26. City treasurer, duties of. Amendment to sec. 97, ch. 10, Laws of 1887.
27. Monthly reports of treasurer. Amendment to sec. 98, ch. 10, Laws of 1887.
28. Treasurer's annual report. Amendment to sec. 100, ch. 10, Laws of 1887.
29. Funds not to be diverted. Amendment to sec. 101, ch. 10, Laws of 1887.
30. Same. Amendment to sec. 102, ch. 10, Laws of 1887.
31. Board of public works. Amendment to sec. 104, ch. 10, Laws of 1887.
32. City engineer. Amendment to sec. 105, ch. 10, Laws of 1887.
33. Park commissioners. Amendment to sec. 108, ch. 10, Laws of 1887.
34. Boiler inspector. Amendment to sec. 109, ch. 10, Laws of 1887.
35. Comptroller, duties of. Amendment to sec. 110, ch. 10, Laws of 1887.
36. Appropriation of private property. Amendment to sec. 118, ch. 10, Laws of 1887.
37. Appropriations, how made. Amendment to sec. 125, ch. 10, Laws of 1887.
38. Election of city clerk. Amendment to sec. 129, ch. 10, Laws of 1887.
39. Official paper, how designated. Amendment to sec. 133, ch. 10, Laws of 1887.
40. Conservator of peace. Amendment to sec. 134, ch. 10, Laws of 1887.
41. Power of appointment and removal. Amendment to sec. 135, ch. 10, Laws of 1887.
42. Vacancy, how filled. Amendment to sec. 139, ch. 10, Laws of 1887.

- | | |
|--|--|
| <p>43. Annual fiscal report. Amendment to sec. 140, ch. 10, Laws of 1887.</p> <p>44. Orders and drafts, how signed. Amendment to sec. 141, ch. 10, Laws of 1887.</p> <p>45. Length of term. Amendment to sec. 144, ch. 10, Laws of 1887.</p> <p>46. Board of fire and police. Amendment to sec. 145, ch. 10, Laws of 1887.</p> | <p>47. Chief of police shall be principal ministerial officer. Amendment to sec. 147, ch. 10, Laws of 1887.</p> <p>48. Compensation of the several officers. Amendment to sec. 167, ch. 10, Laws of 1887.</p> <p>49. Power to license, tax and regulate business. Amendment to sec. 65, ch. 10, Laws of 1887.</p> <p>50. Cities of metropolitan class, what are.</p> <p>51. Repealing clause.</p> <p>52. Emergency clause.</p> |
|--|--|

AN ACT to amend sections 1, 3, 12, 17, 28, 30, 35, 36, 37, 50, 55, 59, 64, 65, 66, 69, 70, 71, 72, 73, 78, 79, 85, 86, 87, 91, 96, 97, 98, 100, 101, 102, 104, 105, 108, 109, 110, 118, 125, 129, 133, 134, 135, 139, 140, 141, 144, 145, 147, 167, of an act entitled, "An act incorporating metropolitan cities, and defining, regulating and prescribing their duties, powers, and government." Approved March 30, 1887 and to repeal said sections as heretofore existing, also to repeal sections 52, 53, and 106 of said act.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section three (3) of an act Section amended. entitled, "An act incorporating metropolitan cities, and defining, regulating and prescribing their duties, powers and government," approved March 30, 1887, be and the same is hereby amended to read as follows:

SEC. 3. The corporate limits of any city of Corporate limits, how defined. the metropolitan class shall be fixed and determined by the mayor and council of such city, by ordinance, within one year after the passage of this act, or within one year after being proclaimed by the governor a city of such class, the said corporation limits to include an area not to exceed twenty-five square miles, including any township or village organization within such limits, which organization shall thereupon cease and terminate, and after

Extension of
same.

said corporate limits have been so fixed and determined the same shall not be changed until the population of such city shall have increased at least twenty thousand as shown by a state or national census, whereupon the mayor and council of any such city may extend said corporate limits such distance as may be deemed proper in any direction, not exceeding one mile. *Provided*, That any city of the first or second class or any incorporated city adjoining any city of the metropolitan class, may be included in and become a part of such city of the metropolitan class, upon proposition to be so attached and included being approved by a majority of the voters in each of the said cities voting on such proposition, upon such terms as may be stated in such proposition, after being submitted to the voters of each of said cities, by ordinance passed by the mayor and council of each of said cities.

Section
amended.

Councilmen,
qualifications
and bond of.

SEC. 2. That section 12 of said act be and the same is hereby amended to read as follows: Section 12. The council of each city governed by this act shall consist of one member for each ward, and an equal number for the city at large, who shall be qualified electors of said city.

Each councilman, before entering upon the duties of his office, shall be required to give a bond to the city, with two or more good and sufficient sureties, who shall each justify that he is worth at least five thousand dollars in real estate in such city, over and above all debts and exemptions. Such bond shall be in the sum of five thousand dollars and shall be

conditioned for the faithful discharge of the duties of the councilman giving the same, and shall be further conditioned that if said councilman shall vote for any expenditure or appropriation of money, or the creation of any liability in excess of the amount allowed by law, that such councilman and the sureties signing said bond shall be liable thereon. Said bond shall be filed with and approved by the mayor.

SEC 3. That section 17 of said act be and the same is hereby amended to read as follows: Section 17. The mayor and council shall have power to create any office, or employ any agent they may deem necessary for the government and best interest of the city, and to prescribe and regulate the duties, powers and compensation of all officers, agents and servants of the city not herein provided for. But all such agents, officers and servants employed or appointed under this act, so far as practical, must be qualified voters of said city.

SEC. 4. That section 28 of said act be and the same is hereby amended to read as follows:

SEC. 28. No owner of real estate within the incorporate limits of such city shall have the right, or be permitted to subdivide said real estate into blocks and lots or parcels, without first having obtained from the city engineer, a plat or plan for the avenues, streets and alleys, to be laid out within or across the same, and such plat or plan of the avenues, streets and alleys shall be made so that such

Liability of
councilmen
and sureties.

Section
amended.

Power to
create an office.

Section
amended.

Additions, how
laid out.
Streets to be
continuous.

avenues, streets and alleys, as far as practicable, shall correspond in width, name and direction and be continuous of the avenues, streets and alleys in the city contiguous to or near the real estate to be subdivided as aforesaid, and the mayor and council shall have power to compel the owner of such real estate, in subdividing the same, to lay out and dedicate to the public the avenues, streets and alleys to be within or across such real estate in accordance with said plat or plan, and shall further have the power to prohibit the selling or offering for sale any lots or parts of such real estate not subdivided and platted as herein required. Any and all additions to be made to the city shall be made so far as the same relates to the avenues, streets and alleys therein, under and in accordance with the foregoing provisions.

Section
amended.

SEC. 5. That section 30 of said act be and the same is hereby amended to read as follows:

Sanitary reg-
ulations.

SEC. 30. The mayor and council shall have power to make regulations to secure the general health of the city; to provide for the prevention, abatement and removal of nuisances; to make and prescribe regulations for the location, construction and keeping in order all slaughter houses, stock yards, ware houses, wells, cisterns, privies, water closets, cess pools, stables or other places where offensive matter is kept, or is liable to accumulate, whether within the corporate limits or within three miles thereof; and to regulate or prevent the carrying on of any business which may be dan-

gerous or detrimental to the public health, or the manufacture or vending of articles obnoxious to the health of the inhabitants, and the mayor and council are hereby authorized to abate and remove any nuisance and the cause thereof in a summary manner, at the cost of the owner or occupant of the premises where the nuisance or cause thereof may be, and for that purpose may enter upon and take possession of any premises or property where such nuisance may exist or be produced, and may collect such cost by civil action in any court of competent jurisdiction, or may assess the same against such premises or property.

SEC. 6. That section 35 of said act be Section amended. and the same is hereby amended to read as follows:

SEC. 35. The mayor and council shall have Inspection of steam boilers and plumbing. power to provide for the inspection of steam boilers, pipe fittings and plumbings, and to appoint inspectors, except as herein specially provided, and to declare their powers and duties.

SEC. 7. That section 36 of said act be Section amended. and the same is hereby amended to read as follows:

SEC. 36. The mayor and council shall have May define fire limits. power to prescribe fire limits and regulate the erection of all buildings and other structures within the corporate limits and provide for the removal of any building or structure or addition thereto, erected contrary to such regulations, also provide for the removal of dangerous buildings and provide that wooden build-

ings shall not be erected, or placed, or repaired in the fire limits without permission, and to direct that all and any buildings within such fire limits, when the same shall have been damaged by fire, decay or otherwise to the extent of fifty per cent of the value of a similar new building above the foundation, shall be torn down or removed, and to prescribe the manner of ascertaining such damage, and to assess the cost of removal of any building erected or existing contrary to such regulations or provisions, against the lot or real estate upon which such building or structure is located or shall be erected, or such cost may be collected from the owner of any such building or structure, and be enforced by civil action in any court of competent jurisdiction.

Section
amended.

SEC. 8. That section thirty-seven (37) of said act be and the same is hereby amended to read as follows:

May regulate
construction of
buildings and
fire escapes.

SEC. 37. The mayor and council shall have power to regulate the construction, use and maintenance of party walls, and to prescribe the thickness, strength and manner of constructing stone, brick, wood or other buildings, and the construction and arrangement of fire escapes therein and thereon, and to provide for the inspection of elevators, and for the protection of elevator and hoistway openings to avoid accident; to prescribe, regulate and provide for the inspection of all plumbing, pipe fitting, or sewer connections in all houses or buildings now or hereafter erected; to regulate the size, number and manner of construction of halls, doors, stairways, seats, isles and passage ways of thea-

tres, tenement houses, audience rooms, and all buildings of a public character, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fire; to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and heating appliances, used in or about any building or manufactory. and to cause same to be removed or placed in safe condition, when same is considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures as may be in a dangerous state to be put in a safe condition; to prevent the disposing of and delivering of soft, shelly and imperfectly burned brick or other unsuitable building material within the city limits, and provide for the inspection of same; to provide for the abatement of dense volumes of smoke; to regulate the construction of areaways, stairways, and vaults, and to regulate partition fences.

SEC. 9. That section fifty (50) of said act Section amended. be and the same is hereby amended to read as follows:

SEC. 50. The mayor and council shall have Lighting of streets, regulating telephone service. power to regulate and provide for the lighting of streets, laying down gas pipes, and erection of lamp posts, electric towers or other apparatus, and to regulate the sale and use of gas and electric lights, and fix and determine the price of gas, and the charge of electric light, and the

rent of gas meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service connections; and to prohibit or regulate the erection of telegraph, telephone or electric wire poles, or other poles for whatsoever purpose desired, or used in the public grounds, streets or alleys, and the placing of wires thereon, and to require the removal from the public grounds, streets or alleys of any or all such poles, and to require the removal and placing under ground of any or all telegraph, telephone or electric wires.

Section
amended.

SEC. 10. That section fifty-five (55) of said act be and the same is hereby amended to read as follows:

May erect hos-
pitals and
other build-
ings.

SEC. 55. The mayor and council shall have power to erect, designate, establish, maintain and regulate hospitals, or work houses, houses of correction, jails, station houses, and other necessary buildings.

Section
amended.

SEC. 11. That section fifty-nine (59) of said act be and the same is hereby amended to read as follows:

May establish
and maintain
public libra-
ries, reading
rooms, art gal-
leries and
museums.

SEC. 59. The mayor and council shall have power to establish and maintain public libraries, reading rooms, art galleries and museums, and to provide the necessary grounds or buildings therefor; to purchase books, papers, maps, manuscripts, and works of art and objects of natural or scientific curiosity and instruction therefor, and to receive donations and bequests

of money or property for the same in trust or otherwise. They may also pass necessary by-laws and regulations for the protection and government of the same.

SEC. 12. That section sixty-four (64) of said Section amended. act be and the same is hereby amended to read as follows:

SEC. 64. The mayor and council shall have May appropriate private property. power to appropriate private property for the use of the city for streets, alleys, avenues, sewers, public squares, market places, gas works or water works, including mains, pipe lines, and settling basins therefor; the right and power to appropriate private property for sewers, boulevards, and water works to extend to a distance of ten miles from the corporate limits of the city.

All cities of the metropolitan class and all other corporations exercising the right of eminent domain within the corporation limits of such cities, upon condemning private property under such authority, shall cause to be recorded an accurate plat and a clear definite description of the property so taken in the office of register of deeds of the county within which such city is located within thirty days after the other legal steps for the acquisition of such title shall have been taken.

SEC. 13. That section sixty-six (66) of said Section amended. act be and the same is hereby amended to read as follows:

SEC. 66. The mayor and council are hereby May issue bonds, fix rate of interest and designate purpose for which issued. authorized and empowered to issue bonds of

the city, with interest coupons annexed thereto, in such amounts and for such length of time as they may deem proper, the rate of interest not to exceed six per centum per annum, for the construction and maintenance of sewers, or in the renewal of outstanding bonds of said city bearing a higher rate of interest or for the purpose of funding, taking up and making payment of the floating indebtedness and liabilities of the city, or for the construction of a city hall or other needful buildings for the use of the city, or for the appropriation of gas works, water works, or land for public parks. All such bonds shall express upon their face the purpose for which they are issued.

Ratio to taxable property.

Provided, The bonded indebtedness of the city, exclusive of district-paving bonds and curbing and guttering bonds, shall not at any time exceed in the aggregate ten per centum of the assessed valuation of the taxable property in the city.

Maximum amount in any one year.

Provided, further, No bond shall be issued except such renewal bonds, and bonds for paving or for appropriation of gas works or water works or land for public parks or boulevards or for curbing or guttering purposes or for the erection of a city hall in excess of two hundred thousand dollars (\$200,000) in any one year, nor until the legal electors of said city shall have authorized the same by a vote of two-thirds of all the electors voting on such proposition at a general, annual or special election of said city, called after twenty days public notice, stating distinctly the amount

Must be voted on.

and the purpose for which they are to be issued; which bonds or the proceeds from the sale thereof shall not be diverted from the purpose for which they were issued, and shall not be disposed of at less than par.

Funds must not be diverted.

SEC. 14. That section sixty-nine (69) of said act be and the same is hereby amended to read as follows:

Section amended.

SEC. 69. The mayor and council shall have power to open, extend, widen, narrow, grade, curb and gutter, park, beautify or otherwise improve, and keep in good repair, or cause the same to be done, in any manner they may deem proper, any street, avenue or alley within the limits of the city, and may grade partially or to the established grade, or park or otherwise improve any width or part of any such street, avenue or alley, and may also construct and repair, or cause and compel the construction and repair of sidewalks in such city, of such material and in such manner as they may deem proper and necessary; and to defray the cost and expense of such improvements or any of them, the mayor and council of such city shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to or abutting upon the street, avenue, alley or sidewalk thus in whole or in part opened, widened, curbed and guttered, graded, parked, extended, constructed or otherwise improved or repaired, or which may be specially benefited by any of said improvements;

May improve streets and sidewalks.

Ordinary repairs and grade.

Provided, That the above provisions shall not apply to ordinary repairs of streets or alleys, and one-half of the expense of bringing streets, avenues, alleys or parts thereof to the established grade, shall be paid out of the general fund of the city.

Petition for grade.

Provided, further, That where any street is to be graded under the provisions provided by this section, but not to the established grade, it shall be done only after the owners representing a majority of the front feet of the property abutting on the part of such street to be so partially graded, shall have petitioned the city council for such work to be done.

May grade and charge expense to property abutting upon grade.

Provided, further, That whenever the owners of the lots abutting upon any street or alley, or part thereof within said city, representing three-fifths (3-5) of the feet front abutting upon such part of street or alley desired to be graded, shall petition the council to grade such street or alley or part thereof, without charge to the city, the mayor and council shall order the grading done and assess the cost thereof against the property abutting upon such street or alley or such part thereof so graded.

Plank sidewalk, when used.

Provided, further, That in case the grade of any street or part of street used by the public shall not have been established, or in case any street or part thereof shall not have been worked to grade, then and in such case the owner or owners of any lot, lots or lands abutting on such streets or portion thereof as aforesaid, they only be required to construct or repair the sidewalks along such street or part

thereof with plank, as the council may direct in such case; and

Provided, further, That in case the owner or owners of any such lot, lots or land abutting on such street or portion thereof shall fail to construct or repair such sidewalks in the manner and within the time as directed and required by the council in each case, after having received due notice to do so, they shall be liable for all damages or injuries occasioned by reason of the defective or dangerous condition of any such sidewalk; and

Provided, further, That curbing and guttering shall not be ordered or required to be laid on any street, avenue or alley not ordered to be paved, except on a petition of a majority of the owners of the property abutting along the line of that portion of the street, avenue or alley to be curbed and guttered.

The mayor and council of any city of the metropolitan class shall have power to pave, repave or macadam any street or alley or part thereof in the city, and for that purpose to create suitable paving districts which shall be consecutively numbered, such work to be done under contract and under the superintendence of the board of public works of the city; *Provided,* That before any paving, repaving or macadamizing shall be done upon any street, alley or avenue in which there are gas or water mains laid, or to be laid, or sewers constructed or to be constructed, the mayor and city council shall cause all gas, water and

Defective sidewalks, when property owners are liable for.

Petition for curbing and guttering.

Paving districts.

sewer connections to be made as hereafter provided.

Petition for paving.

Material, how determined.

Same.

Cost of paving, how met.

Method of assessment.

Whenever the owners of the lots or lands abutting upon the streets or alleys within the paving district, representing a majority of the feet front thereon, shall petition the council to pave, repave or macadam such streets or alleys, it shall be the duty of the mayor and council to pave, repave or macadam the same, and in all cases of paving, repaving or macadamizing there shall be used such material as such majority of the owners shall determine upon; *Provided*, the council shall be notified in writing by said owners of such determination, within thirty days next after the passage and approval of the ordinance ordering such paving, repaving or macadamizing. In case such owners fail to designate the material they desire used in such paving, repaving or macadamizing in manner and within the time above provided, the mayor and council shall determine upon the material to be used. The cost of paving, macadamizing or repaving the streets and alleys within any paving district, except the intersection of streets and space opposite alleys within such district, shall be assessed upon the lots and lands abutting upon the streets and alleys in such district in proportion to the feet front so abutting on such streets and alleys. The assessments of special taxes for paving purposes herein provided for shall be made as follows: The total cost of the improvement shall be levied at one time upon the property and become delinquent as herein pro-

vided. One-tenth (1-10) of the total amount shall be delinquent in fifty (50) days after such levy, one-tenth (1-10) in one year, one-tenth (1-10) in two years, one-tenth (1-10) in three years, one-tenth (1-10) in four years, one-tenth (1-10) in five years, one-tenth (1-10) in six years, one-tenth (1-10) in seven years, one-tenth (1-10) in eight years, one-tenth (1-10) in nine years; each of said installments, except the first, shall draw interest at the rate of seven per cent per annum from the time of levy aforesaid until the same shall become delinquent, and after the same shall become delinquent, ^{When delin-}
interest at the rate of one per cent per month, ^{quent.} payable in advance, shall be paid thereon as in the case of other special taxes. Such taxes shall be collected and enforced as in other ^{Collection.} cases of special taxes. In all cases of special taxes the city treasurer shall have the right and authority, after the same or any part thereof shall have become delinquent, to seize personal property of the party who owns the real estate upon which such taxes have been levied, and to sell such personal property for the satisfaction of such taxes, upon the same advertisement and in the same manner that constables are now authorized by law to seize ^{Seizure of per-}
and sell personal property upon execution; but ^{sonal property.} failure to seize or subject personal property shall in no wise effect the lien of the tax or any proceedings authorized by law to enforce the tax. In case of omission, errors, or mistake in making such assessment or levy in respect of the total cost of the improvements, or

Supplemental
assessment.

deficiencies or otherwise, it shall be competent for the council to make a supplemental assessment and levy to supply such deficiencies, omission, errors or mistakes. The cost of paving, macadamizing or repaving the intersections of streets and space opposite alleys in any paving district, shall be paid by the city as hereinafter provided, but nothing herein contained shall be construed to exempt any street railway company from keeping every portion of every street and alley used by it, upon or across which its tracks shall be constructed at or near the grade of such streets, in good and safe condition for public travel and shall keep the same planked, paved, macadamized or otherwise in such condition for public travel as the city council of such city may from time to time direct, keeping the plank, pavement, or other surface of the street or alley at a level with the top of the rails of the track of such street railway. The portions of the streets or alleys to be so kept and maintained by all such street railway companies shall include all the space between its different rails and tracks, and also a space outside of the outside rail of each outside track of at least twelve inches in width and the tracks herein referred to shall include not only the main tracks, but also all side tracks, crossings and turnouts constructed for the use of such street railways.

Any company that shall have laid tracks upon the streets or highways of any city of the metropolitan class and failed to operate them with cars for public use for the period of nine months

after the laying of such tracks, shall forfeit all right to their future use, and such tracks may be declared a nuisance and taken up by the city and removed.

For the purpose of paying the cost of paving, macadamizing or re-paving the streets and alleys in any paving district, exclusive of the intersection of streets and space opposite alleys therein, the mayor and council shall have power, and may by ordinance cause to be issued bonds of the city, to be called "district paving bonds of district No." payable in not exceeding ten years from date, and to bear interest, District paving bonds. payable annually, not exceeding the rate of six per cent. per annum, with interest coupons attached, and in such cases shall also provide that said special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest.

Provided, That the entire cost of paving, re-paving or macadamizing any such streets or alleys, properly chargeable to any lots or lands within any such paving district according to the front feet thereof, may be paid by the owner of such lots or lands within fifty days from the levy of such special taxes, and thereupon such lots or lands shall be exempt from any lien or charge therefor; and Lots and land, how exempted from lien of paving tax.

Provided, further, That whenever the property owner representing three-fifths (3-5) of the feet frontage of lots or lands abutting upon the street or alleys within any paving district created under this section, shall petition the city council and pay into the city treasury the cost of Paving bonds.

paving any intersection of any street or alleys within such district, then and in that case the council shall order a contract to be made for such paving, within such street. Said bonds shall not be sold for less than their par value, and if said assessments or any part thereof shall fail, or for any reason be invalid, the mayor and council may make other and further assessments upon the said lots or lands as may be required to collect from the same the cost of any paving or macadamizing properly chargeable thereto as herein provided. Whenever the mayor and council deem it expedient, they shall have power for the purpose of paying the cost of paving, repaving or macadamizing the intersections of streets and spaces opposite alleys in the city, to issue bonds of the city, to run not more than twenty years, and to bear interest payable semi-annually at a rate of not exceeding six per cent per annum, with coupons attached, to be called "Paving Bonds," and which shall not be sold for less than par; and the proceeds of which shall be used for no other purpose than paying the cost of paving, repaving or macadamizing the intersections of streets and alleys in the city.

Maximum
amount in any
one year.

Provided, That the aggregate amount of such bonds issued in any one year shall not exceed the sum of one hundred thousand (\$100,000) dollars; and

Submission to
electors.

Provided, further, That no such bonds shall be issued until the question of issuing the same has been submitted to the electors of

the city at a general or special election therein and authorized by a vote of two-thirds of the electors voting on such question at such election.

If in any city of the metropolitan class there shall be any real estate not subject to assessment of special taxes for paving purposes, the mayor and council shall have the power to pave in front of the same and to pay the cost thereof that would otherwise be chargeable on such real estate, in the same manner as herein provided for the paving of intersections of streets and paying therefor.

Property not
subject to tax,
how paved.

The word "lot," as in this act used, shall be taken to mean a lot as described and designated upon the recorded plat of any such city, and in case there is no recorded plat of any such city, it shall mean a lot as described and designated upon any generally recognized map of such city. The word "lands" shall mean any unsub-divided real estate. The word "street" shall be deemed to include boulevard.

"Lot" and
"land" defined

Provided, That if the lots and real estate abutting upon that part of the street ordered paved, repaved or macadamized as shown upon any such re-recorded plat or map, are not of uniform depth, or if for any other reason it shall appear just and proper to the mayor and council, the mayor and council are authorized and empowered to determine and establish the depth to which the real estate shall be charged and assessed with the cost of the improvement, which shall be determined and established according to the benefits accruing to the property

Depth of lot
for assess-
ment purposes

by reason of the improvement. Real estate may be so charged and assessed to a greater depth than the depth of the lots as shown upon any such plat or map. The mayor and council may in their discretion include all the real estate to be charged and assessed with cost of such paving or improvement in the paving districts, in this section hereinbefore provided for, but are not required so to do; and the mayor and council may in their discretion, in determining whether the requisite majority of the owners who are hereinbefore authorized to petition for paving, repaving or macadamizing, and to determine the kind of material to be used therefor, have joined in such petition and determination, consider and take into account all of the owners of all real estate to be charged and assessed with the cost of the improvement, or only such as own real estate that in fact abuts upon the part of the street proposed to be improved. In cases where paving has been already done in whole or in part, or contracts have been let therefor under existing laws, in case the lots and real estate abutting upon that part of the street ordered paved, as shown upon any such plat or map, are not of uniform depth as well as in all cases where, in the discretion of the mayor and council, it is just and proper so to do, the mayor and council shall have the right and authority to fix and determine the depth to which real estate shall be charged and assessed with the cost of such improvement, without regard to the lines of such lots, the same to be fixed and determined upon the basis

of benefits accruing to the real estate by reason of such improvement. Where such improvements have already commenced, or contracts therefor have been entered into under any ordinance passed upon a petition of property owners, as well as the cases where the material to be used for such improvement has been ordered in accordance with the determination of property owners, such petition and determination shall be deemed and taken as sufficient compliance with the law, if the requisite number of real estate which in fact abuts upon the part of the street ordered to be so improved have joined therein. The provisions of this section in regard to the depth to which real estate may be charged and assessed, shall apply to all special taxes that may be levied, except for sidewalk, in proportion to the front foot, in cities of the metropolitan class. Whenever curbing or curbing and guttering is done upon any street or avenue in any paving district in which paving has been ordered, and the mayor and council shall deem expedient so to do, they shall have power and authority, for the purpose of paying the cost of such curbing and guttering, to cause to be issued bonds of the city, to be called "Curbing and Guttering Bonds of Paving District No. —," payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of six per cent per annum, with interest coupons attached, and in such case shall assess at one time the total cost of such curbing and guttering, or curbing, as the case may be, upon the property abutting or

Improvements
already com-
menced.

Depth of lot
shall apply to
all special
taxes.

Curbing and
guttering
bonds.

Assessment
curbing and
guttering.

Same, delin-
quency.

Payment
under protest
in writing.

Suit for
recovery.

adjacent to the portion of the street or avenue so improved, according to special benefits; such assessment to become delinquent the same as the assessment of special taxes for paving purposes, and to draw the same rate of interest and be subject to the same penalties, and may be paid in the same manner as special taxes for paving purposes, and the special taxes so assessed shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value; and no such special tax shall be declared void, nor shall any such assessment, or part thereof, be set aside in consequence of any error or irregularity committed or appearing in any of the proceedings under this act or the acts of which it is amendatory; but any party feeling aggrieved by any such special tax or assessment or proceeding may pay the said special taxes assessed or levied upon his, her or its property, or such installments thereof as may be due, at any time before the same shall become delinquent, under protest, and with notice in writing to the city treasurer that he intends to sue to recover the same back, which notice shall particularly state the alleged grievance and grounds thereof, whereupon such party shall have the right to bring a civil action within sixty days thereafter, and not later, to recover back so much of the special taxes paid as he shall show to be illegal, inequitable and unjust, the costs to follow the judgment to be apportioned by the court as may seem proper, which remedy shall

be exclusive. The city treasurer shall promptly report all such notices to the city council for such action as may be proper. No court shall entertain any complaint that the party was authorized to make, and did not make to the city council sitting as a board of equalization, nor any complaint not specified in said notice fully enough to advise the city of the exact nature thereof; nor any complaint that does not go to the groundwork equity and justice of the tax. The burden of proof to show such tax or part thereof invalid, inequitable and unjust, shall rest upon the party who brings such suit.

Burden of proof shall rest with plaintiff.

SEC. 15. That section seventy (70) of said act be and the same is hereby amended to read as follows: Section 70. All horse, cable, steam, electric or other railway companies now existing or hereafter created in cities of the metropolitan class, already incorporated or hereafter organized, shall be required to pave or re-pave at their own cost all the space between its different rails and tracks, and also a space outside of the outside rails of the outside tracks of twelve (12) inches, and the tracks herein referred to shall include not only the main tracks, but also all side tracks, crossings and turnouts used by such companies, and where two or more companies occupy the same street or alley with separate tracks, then each company shall be responsible for the proportion of the surface of the street or alley occupied by all the parallel tracks as herein required. Such paving or re-paving by such railway companies shall be done

Section amended.

Railway companies shall pave right of way.

at the same time and shall be of the same material and character as the paving or re-paving of the streets or alleys upon which said railway track or tracks is located, unless other material be specially ordered by the board of public works. *Provided*, That in lieu of the above, and until January 1st, 1891, such street railways shall only be required to pave between their rails. Such railway companies shall be required to keep that portion of the street which they are herein required to pave or re-pave in good and proper repair, using for said purpose the same material as the street upon which the track or tracks are laid at the point of repair, or such other material as the board of public works may require and order; and as streets are hereafter paved or re-paved, street railway companies shall be required to lay in the best approved manner, a flat rail, to be approved by the board of public works. The track of all railway companies, when located upon the streets or avenues of the city, shall be kept in repair and safe in all respects for the use of the traveling public, and said companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of such city. For injuries to persons or property arising from the failure of such company to keep their tracks in proper repair and free from obstructions, such companies shall be liable, and the city shall be exempt from liability. The word "companies" as used in this act shall be taken to mean and include any persons, companies,

Same shall
keep right of
way in repair.

Liability of
company.

Company de-
fined.

corporations, or associations owning any street or other railway in any such city.

SEC. 16. That section seventy-one (71) of Section amended. said act be and the same is hereby amended to read as follows: Section 71. In the event of Proceedings in case of refusal of companies to pave. the refusal of such companies to pave, repave or repair as required in the foregoing sections, when so directed by the mayor and council, upon the paving or repaving of any street upon which their track is laid, the mayor and council shall have power to pave, repave or repair the same and the cost and expense of such paving, repaving or repairing may be collected by levy and sale of any real or personal property of said street railway company, the same as special taxes are collected. Special taxes, on what levied. Special taxes for the purpose of paying the costs of any such paving or repaving, macadamizing or repairing of any such street railway, may be levied upon the track, including the ties, iron, road-bed and right of way, side tracks and appurtenances, including buildings and real estate belonging to any such company or person and used for the purpose of such street railway business, all as one property; or upon such parts of such tracks, appurtenances and property as may be within the district paved, repaved, macadamized or repaired, or any part thereof, and shall be a lien upon the property upon which levied from the time of the levy until satisfied. No mortgage, conveyance, pledge, Incumbrances can not void. transfer or incumbrance of any such property of any such company or person, or any of its rolling stock or personal property created or suffered

Collection by
distress.

by a company or party, after the time when any street or part thereof upon which any street railway shall have been laid, shall have been ordered paved, repaved, macadamized or repaired, shall be made or suffered except subject to the actual or prospective lien of such special taxes, whether actually levied or not, if such levy be in contemplation. The city treasurer shall have the power and authority to seize any personal property belonging to any such person or company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now authorized to sell personal property upon execution at law; but failure so to do shall in no wise affect or impair the lien of the tax or any preceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold. It shall also be competent for any such city to bring a civil action against any party owning or operating any such street railway, and liable to pay said taxes, to recover the amount thereof, or any part thereof delinquent and unpaid, in any court having jurisdiction of the amount, and obtain judgment and have the execution therefor and no property, real or personal, shall be exempt from

any such execution. *Provided*, That real estate shall not be levied upon by execution except by execution out of the district court on a judgment therein, or transcript of judgment filed therein as now provided by law. No property seized by the city treasurer as hereinbefore provided or upon any such execution, shall be taken from the officer holding the same on an order of replevin. No defense shall be allowed in any such civil action except such as goes to the groundwork, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust and inequitable, judgment shall be rendered for such amount as is just and equitable, and costs shall follow the judgment. It shall be competent for the mayor and council, upon the written application of any company, association, corporation or person owning any such street railway, to provide that such special taxes shall become delinquent and be payable in installments, as in case of taxes levied upon abutting real estate as hereinafter provided; but such application shall be taken and deemed a waiver of any and all objections to such taxes and to the validity thereof. Such application shall be made at or before the final levy of such taxes. The provision of this act in regard to the levy, collection and enforcement of special taxes to pay the cost of paving, repaving, macadamizing or repairing between the rails of street railways shall apply to such special taxes hereinafter levied, whether

Exemptions
upon real
estate shall
issue from the
district court.

How made
payable in
installments

for such improvements heretofore ordered and contracted for or to be hereafter ordered and made.

Section
amended.

Water, gas
and sewerage
connections
shall be made
before paving
is done.

SEC. 17. That section seventy-two (72) of said act be and the same is hereby amended to read as follows: Section 72. The mayor and council shall have power, in any paving district, and it shall be their duty before the work of paving or repaving is done therein to require water, gas and sewer connections to be made under such regulations and at such distances as may be prescribed by ordinance from the street mains to the line of the property abutting upon the street ordered paved or repaved, and shall require that such water pipe connections may be made by any water works company owning the water pipe main, and that such gas pipe connections may be made by any gas company owning the gas pipe main. And upon neglect or failure of the water or gas companies to do the same, the board of public works may cause the same to be done, and the cost thereof shall be deducted from the indebtedness of the city to such companies, and no bills shall be paid to the said companies by the city until all such expense for pipe laying shall have been liquidated. And the mayor and council shall also have power, at any time, to assess the cost of any sewer connections upon the property opposite such connections, and to such depth as the council, sitting as a board of equalization, shall deem just and equitable.

Assessment
for sewer con-
nections.

Section
amended.

SEC. 18. That section seventy-three (73) of said act be and the same is hereby amended to

read as follows: Section 73. All special taxes Special taxes for public improvements, upon what assessed. to cover the cost of any public improvement herein authorized shall be levied and assessed on all lots, parts of lots, lands and real estate bounding, abutting or adjacent to such improvement or within the district created for the purpose of making such improvement to the extent of the benefits to such lots, parts of lots, lands and real estate by reason of such improvement, such benefits to be determined by the council sitting as a board of equalization, after publication of notice to property owners as herein provided, and in cases where the council, sitting as a board of equalization shall find such benefits to be equal and uniform such assessment may be according to the foot frontage, and may be pro-rated and scaled back from the line of such improvement according to such rules as the board of equalization shall consider fair and equitable, and all such assessments and findings of benefits shall not be subject to review in any legal or equitable action, except for fraud, gross injustice or mistake; *Provided*, That when any public improvement shall extend into or through any unsubdivided tract or parcel or parcels of land, said taxes shall be levied so as not to be charged against the real estate adjoining such improvement for a greater depth than the average distance through the subdivided real estate to be taxed for said purpose. Public improvements through unsubdivided tract.

SEC. 19. That section seventy-eight (78) of Section amended. said act be and the same is hereby amended to

Method of
levying special
sewerage tax.

read as follows: Section 78. Special taxes may be levied by the mayor and council for the purpose of paying the cost of constructing or reconstructing sewers or drains within the city; such taxes to be levied on the real estate lying and being within the sewerage district in which such sewerage or drain may be situated, to the extent of the benefits to such property, by reason of such improvement, the benefits to such property to be determined by the council, sitting as a board of equalization, after notice to property owners as in other cases of special assessment; *provided*, and in cases where the council, sitting as such board of equalization, shall find such benefits to be equal and uniform such levy may be according to the front foot of the lots of real estate within said sewerage district or according to such other rule as the council, sitting as such board of equalization, may adopt for such distribution or adjustment of such cost upon the lots or real estate in such district benefited by such improvement; and all taxes or assessments made for sewerage or drainage purposes shall be collected in such manner as other special assessments, and shall be subject to the same penalty.

Section
amended.

The several ob-
jects for which
taxes may be
levied and the
maximum
amounts of
each.

SEC. 20. That section seventy-nine (79) of said act be and the same is hereby amended to read as follows: Section 79. The mayor and council shall have power to levy and collect taxes for general purposes not exceeding fourteen (14) mills on the dollar valuation in one year, and on all the real estate and personal property within the corporate limits of the city

taxable according to the laws of this state, including all interests or business so taxable, and shall also have power to levy and collect taxes on all such property for the sole and exclusive purpose of repairing, modifying, reforming or changing and maintaining curbs and gutters, and for cleaning and repairing pavements, not exceeding three (3) mills on the dollar valuation in any one year, taxes levied for said purposes to be and constitute a special fund therefor; and shall have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and cleaning sewers, not to exceed a half mill on the dollar valuation in any one year, taxes levied for such purposes to constitute a special fund therefor; and shall also have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the police department of any such city, not exceeding five (5) mills on the dollar valuation in any one year, taxes levied for said purpose to constitute a special fund therefor; and shall also have the power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the fire department of any such city not to exceed five (5) mills on the dollar valuation of any one year, taxes levied for said purpose to constitute a special fund therefor, the valuation of such property to be taken from the last previous assessment roll of the proper county as corrected and equalized by the county commissioners of said county, and it shall be the duty of the county clerk to permit the city

Assessment
roll, how made.

Ratio of war-
rants that may
be issued to
taxes levied.

City clerk may
make addition
to assessment
roll.

clerk to make out from the assessment roll of the county an assessment roll for the city of all property liable to taxation as above specified; *Provided*, That the authorities of any such city shall not in any such year, issue warrants or orders to an amount exceeding ninety per cent of the amount of taxes levied for such year and the amount actually received from other sources, and said city authorities shall not contract or incur any indebtedness in addition to the amount for which they are authorized to issue, warrants, or orders, or bonds. Upon the completion of such copy of said assessment roll the city clerk shall add to such roll all store-houses, ware-houses, shops and other buildings, within the right of way or along or adjoining or adjacent to any side track of such railroad or within the right of way of such telegraph company, used for purpose of rent by said company, or purposes other than the ordinary operations of said company, and not appearing upon the county rolls by reason of having been returned to the state board, and assess the same as personal property, as near as may be to correspond with the assessed value of like property on said county roll for the purpose of taxation for municipal purposes; and such assessment shall be subject to equalization of the city council, the same as other property, when sitting as a board of equalization.

Section
amended.

SEC. 21. That section eighty-five (85) of said act be and the same is hereby amended to read

as follows: Section 85. The city clerk shall complete the assessment roll for the city on or before the second Monday in October, of each year, unless otherwise ordered by the council and when such roll is completed, the council shall hold a session of not less than five days, as a board of equalization, giving notice of said sitting for at least six days prior thereto in three daily papers of the city. The mayor and council shall make the annual levy at the first regular meeting of the city council in February of each year. And in all cases before any special taxes that may be levied, except for constructing wood sidewalks shall be finally levied, it shall be the duty of the council to sit as a board of equalization for the purpose of equalizing any such proposed levy of special taxes or assessments and correcting any error therein, giving notice of such sitting in the same manner as above provided in this section, stating in such notice, the purpose for which it will sit, and it shall continue such session not less than one day, from nine A. M. to five P. M., and at such session it shall hear all complaints that the owners of property so to be assessed and taxed may make, and it shall be its duty to equalize any such assessment by correcting any errors therein, and thereupon such assessments and special taxes shall be finally made.

SEC. 22. That section eighty-six (86) of said act be and the same is hereby amended to read as follows: Section 86. On the first of July next succeeding the levy thereof, all unpaid

Council shall
sit as a board
of equalization.

Section
amended.

Taxes, when
delinquent.

city taxes in cities of the metropolitan class shall be and become delinquent, and shall thereafter draw interest at the rate of one per cent. per month, payable in advance, which interest shall be collected the same as the tax due, and it shall be the duty of the city treasurer to proceed as soon as practicable after any tax becomes delinquent, to make such delinquent tax out of the personal property of such delinquent, if any such property can be found within such city. No demand of taxes shall be necessary, but it shall be the duty of every person owing any municipal tax or taxes in such city to attend at the treasurer's office and pay the same.

Section
amended.

City clerk
shall make tax
list.

Errors may be
corrected by
city treasurer.

SEC. 23. That section eighty-seven (87) of said act be and the same is hereby amended to read as follows: Section 87. As soon as the assessment roll shall have been equalized and the levy made thereon, the city clerk shall immediately make out a tax list and duplicate thereof which shall be as nearly as practicable in the form prescribed by law for the tax list to be furnished county treasurers, and he shall deliver such tax list to the city treasurer on or before the first day of May next after the date of the levy in each year, and he shall make the duplicate thereof in his office. Errors in the names of persons assessed may be corrected by the treasurer and the tax collected from the person intended, and in case the treasurer finds any land has been omitted in the assessment he shall report the fact to the

council, who may assess the same and direct the correction of the list.

SEC. 24. That section ninety-one (91) of said Section amended. act be and the same is hereby amended to read as follows: Section 91. It shall be the duty City treasurer shall make out delinquent list. of the city treasurer on or before the first Monday in September of each year to make out a complete delinquent list of all lots, lands; or parcels of real estate, the taxes and assessments on which, for the preceeding year remain uncollected at that time, with the amount of such taxes or assessments, together with penalty and interest due from each lot or parcel of real estate set opposite the same; arranging the several lots, lands or parcels of real estate in such list in the order that they appear on the tax list; stating also in each case the purpose for which the tax or assessment was levied. The county treasurer shall receive Same, in the hands of the county treasurer. such delinquent list, and he shall advertise the real estate therein described for sale for such delinquent taxes or assessments at the same time he advertises the sale of real estate for delinquent county taxes, by adding the amount of such delinquent city taxes and assessments to the amount of delinquent state, county and other taxes, and he shall sell such lots, lands or parcels of real estate, for the purpose of paying all such delinquent taxes and assessments, and shall credit such city for the amount of taxes or assessments so collected, which shall be subject to the order of the treasurer of such city. In the sale of any real estate as above Sale and redemption. provided for, and in the giving of certificates

of sale, and tax deeds therefor, the county treasurer shall proceed in the same manner as is, or may be provided by law for his proceedings in the sale of real estate for delinquent county taxes and with like power and authority; and the real estate so sold may be redeemed within the time and upon the same terms and conditions, in every respect, as is or may be provided by law for the redemption of real estate sold for delinquent county taxes; provided that under this act the county treasurer shall be authorized to collect only by sale of real estate; and, *Provided, further*, it shall be the duty of the city treasurer, upon any taxes being collected by him after the delinquent tax list shall have been delivered to the county treasurer to forthwith notify the county treasurer of such collection, that the same may be cancelled on the delinquent tax list, and, *Provided, further*, that the failure, neglect or refusal of the city treasurer to make the tax assessed against any real estate by distress and sale of the personal property of the owners thereof shall not in any wise affect, or invalidate the sale of such lands for such tax.

May collect
only by sale.

City treasurer
shall notify
county treasurer when
taxes are paid
him.

Refusal to
make tax shall
not invalidate.

Section
amended.

Warrants.

SEC. 25. That section ninety-six (96) of said act be and the same is hereby amended to read as follows: Section 96. All warrants shall be drawn by the comptroller upon the treasurer and must be signed by the mayor and comptroller, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid on account of the city

than upon such warrants so drawn unless otherwise provided by law or ordinance.

SEC. 26. That section ninety-seven (97) of Section amended. said act be and the same is hereby amended to read as follows: Section 97. The city treasurer City treasurer, duties of. shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. He shall give every person paying money into the city treasury a receipt and keep a duplicate thereof specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the comptroller on the first day of each month.

SEC. 27. That section ninety-eight (98) of Section amended. said act be and the same is hereby amended to read as follows: Section 98. The treasurer Monthly reports of treasurer. shall, at the end of each month, and every month, and oftener if required, render an account to the mayor, city council and comptroller, showing the state of the treasury at the date of such account, and the balance of money in the treasury, and particularly showing the several balances to the credit of each fund on account of which bonds may have been issued. He shall also accompany such accounts with a statement of all the moneys received into the treasury and on what account, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be delivered to the comptroller and filed with his said account in the comptroller's office upon every day of such settlement. He shall return all warrants paid by him, stamped or marked "Paid" and shall give

a list of such warrants, stating the number and amount of each.

Section amended.

Annual report.

SEC. 28. That section one hundred (100) of said act be and the same is hereby amended to read as follows: Section 100. The treasurer shall report to the mayor and council annually, on the first Tuesday of January, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury, and a statement in detail of the indebtedness and financial condition of the city. He shall also keep a registry of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund for which paid, and the persons to whom paid, specifying also the time of payment; and all such warrants shall be examined by the finance committee at the time of making such annual report.

Section amended.

Funds shall not be diverted.

SEC. 29. That section one hundred and one (101) of said act be and the same is hereby amended to read as follows: Section 101. Each and every fund created by this act shall be strictly devoted to the purpose for which it was created, and shall not be diverted, transferred or borrowed therefrom; any member of the city council voting to so divert, transfer or borrow the money in any fund shall be liable on his official bond for the amount so diverted, transferred or borrowed; *Provided*, however, That any balance remaining in any special fund, after the payment of all liabilities against such fund shall be transferred to the general fund of the city.

SEC. 30. That section one hundred and two ^{Section amended.}
 (102) of said act be and the same is hereby
 amended to read as follows: Section 102. All ^{Special funds, the same.}
 moneys received on any special assessment shall
 be held by the treasurer as a special fund, to
 be applied to the payment of the improve-
 ment for which the assessment was made, and
 such money shall be used for no other purpose
 whatever; *Provided*, That the mayor and
 council shall have the power and it shall be
 their duty by ordinance in concurrent resolu-
 tion, whenever they shall deem proper so to do
 to prevent loss accruing interest, to provide
 and require that any money to the credit of
 any special fund on account of which bonds
 may have been issued, to be invested in short
 time bonds of the city, or in other good and
 safe securities, as said mayor and council shall
 approve, so as to realize in such bonds or se-
 curities at maturity of the bonds issued on ac-
 count of such fund.

SEC. 31. That section one hundred and four ^{Section amended.}
 (104) of said act be and the same is amended
 to read as follows: Section 104. There shall ^{Board of public works, how appointed.}
 be in each city of the metropolitan class a
 board of public works, which shall consist of
 three members, residents of such city, to be ap-
 pointed by the mayor by and with the consent
 of the council before the first Monday of July
 1887, for the term of one, two and three years
 respectively, the term of office of each to be
 designated by the mayor, and annually there-
 after there shall be appointed as hereinbefore
 provided, one member, whose term of office

shall be three years. The mayor by and with the consent of the council, shall designate one of the members of such board to be the chairman thereof. The salaries of the members of such board of public works, shall be fixed by ordinance, and the salary of the chairman shall not exceed \$2,500 per annum, and the salary of each of the other members shall not exceed the sum of one thousand dollars per annum. Each member of said board shall, before entering upon the discharge of his duties, take an oath to faithfully discharge the duties of his office, and enter into a bond to such city with two or more good and sufficient sureties, to be approved by the mayor and council, the bond of the chairman to be in the sum of fifteen thousand dollars, and of the other two in the sum of ten thousand dollars each, conditioned for the faithful performance of his duties as such member of such board of works. The chairman of such board shall devote his entire time to the performance of his official duty, and no member of such board shall ever be directly or indirectly interested in any contract entered into by them on behalf of such city, nor shall they be interested either directly or indirectly in the purchase of any material to be used or applied in and about the uses or purposes contemplated by this act. It shall be the duty of such board of public works, and it shall have power to make contract on behalf of the city for the performance of all such work and the erection of all such improvement as may be ordered by the mayor and council, but only with

Salaries.

Bond.

Duties of.

the approval of the mayor and council; to superintend the performance of all such work and the erection of such improvements, except the supervision of the construction of city halls, market houses, jails or other public buildings. In construction of such buildings the council shall be governed by the same methods of procedure in receiving bids, making contracts and granting estimates as now govern the boards of public works in the construction of all public works and buildings.

It shall also be the duty of said board to approve the estimates of the city engineer which may be made from time (to time,) of the value of work as the same may progress; to accept any work done or improvement made when the same shall be fully completed according to contract, subject, however, to the approval of the mayor and council, and to perform such other duties as may be devolved upon them by ordinance. Any member of such board may at Removal. any time be removed from office by a vote of two-thirds of the members elected to the council, with the approval of the mayor, for sufficient cause, and the proceedings in that behalf shall be entered in the journal of the council; *Provided*, That the council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days, at least, previous to the time so assigned, and opportunity be given him to make his defense.

Section
amended.

City engineer.

Bond.

Salary.

Duties of.

Assistant en-
gineer.

SEC. 32. That section one hundred and five (105) of said act be and the same is hereby amended to read as follows: Section. 105. A city engineer shall be appointed by the mayor, by and with the consent of the city council. Before assuming the duties of his office he shall make oath faithfully to perform the duties of his office, and he shall give a bond with not less than two good and sufficient sureties, to the satisfaction of the mayor and council, in the sum of twenty-five thousand (\$25,000) dollars, for the faithful performance of his duties. He shall receive a salary of three thousand (\$3,000) dollars per annum, which shall be in full for all his services. He shall devote his entire time to the duties of his office, and he shall not receive any fees or perquisites in addition to his salary. He shall notify the board of public works of the completion of all contract work prior to the acceptance thereof, and after the same shall have been accepted by the board of public works he shall prepare and submit final estimates of the same, of which he shall keep a duplicate copy for the approval of said board. He shall keep and preserve in a proper manner all books, maps, profiles, and other records belonging to the city and connected with his department, and shall deliver the same to his successor in office. The engineer shall make all necessary surveys and furnish such plans, plats, profiles, estimates and such other information relating to or concerning public work as shall be required by the board of public works. He shall have the right

to appoint an assistant engineer, subject to the approval of the council, who shall, in the event of his sickness or absence, in addition to other work required of him, be empowered to perform all the duties devolving upon the city engineer during such sickness or absence. Such assistant engineer shall qualify the same as the city engineer and furnish a bond in the sum of ten thousand (\$10,000) dollars, with two good and sufficient sureties as security for the faithful discharge of his duties. The assistant engineer shall receive as compensation the sum of two thousand (\$2,000) dollars per annum, which shall be in full for all services rendered, and he shall not receive any fees or perquisites in addition to his salary.

SEC. 33. That section one hundred and eight (108) of said act be and the same is hereby amended to read as follows: Section. 108. In each city of the metropolitan class there shall be a board of park commissioners which shall have charge of all the parks and public grounds belonging to the city, with power to establish rules for the management, care and use of public parks and parkways; and it shall be the duty of said board from time to time to devise and suggest to the mayor and council a system of public parks, parkways and boulevards within the city, or within three miles of the limits thereof and to designate the lands and grounds necessary to be used, purchased or appropriated for such purpose, and thereupon it shall be the duty of the mayor and council to take such action as may be necessary for the appropria-

tion of the lands and grounds so designated, and for the purpose of making payments for such lands and grounds, assess such real estate as may be specially benefited by reason of the appropriation thereof for such purpose, and issue bonds as may be required for such purpose, to the extent and amount required in excess of such assessment.

Number and qualifications of members of board.

Said board shall be comprised of five members, who shall be resident free-holders of such city, and who shall be appointed by the judges of the district court of the judicial district in which such city shall be situated.

By whom and when appointed.

The members of said board shall be appointed by said judges, a majority of said judges concurring, on the second Tuesday of May, 1889, or on the second Tuesday of may following the creation under this act of any city of the metropolitan class, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years; and after the appointment of said five members, it shall be the duty of said judges, a majority concurring, to appoint or re-appoint one member of said board each year, on the second Tuesday of May.

Quorum.

A majority of all the members of the board of park commissioners shall constitute a quorum. It shall be the duty of said board of park commissioners to lay out, improve and beautify all grounds now owned or hereafter acquired for public parks, and employ a secretary, and also such landscape gardeners, super-

Duty of commissioners.

intendents, keepers, assistants or laborers as may be necessary for the proper care and maintenance of such parks or the improvement or beautifying thereof, to the extent that funds may be provided for such purposes.

The members of said board at its first meeting each year, after the first Tuesday in May, shall elect one of their own members as chairman of said board. Before entering upon their duties each member of said board shall take an oath to be filed with the city clerk, that he will faithfully perform the duties of his appointment, and in the selection or designation of land for parks or boulevards, and in making appointments, he will act for the best interests of such city and the public, and will not in any manner be actuated or influenced by personal or political motives. The chairman of said board shall receive a salary of six hundred dollars per annum and the other members of said board of park commissioners shall each receive a salary of two hundred dollars per annum.

Chairman,
how appointed,
duties,

Salaries.

For the purpose of paying such salaries, providing funds for laying out, improving or beautifying parks and public grounds and providing for the payment of the salaries and wages of the employes of said board, the mayor and council, shall each year at the time of making the levy of taxes for general city purposes, make a levy of not less than one and one-half mills, and not exceeding three mills on the dollar valuation on all the real estate and personal property within the corporate limits of

Same, tax levy.

Same,

such city, taxable according to the laws of this state, and such fund to be known as the "park" fund, the warrants thereon to be drawn only in payment of accounts or claims audited by the said board of park commissioners. And the mayor and the council are hereby authorized and empowered to make a levy for the purposes required by this section, for the year 1889, upon the first Tuesday of April or the first regular meeting of the council after the passage and approval of this act.

Section amended.

Boiler inspector.

SEC. 34. That section one hundred and nine (109) of said act be and the same is hereby amended to read as follows: Section 109. In all cities of the metropolitan class there shall be a boiler inspector who shall be appointed by the mayor with the approval of the city council. The boiler inspector shall be a practical, mechanical engineer, and perform such duties and have such powers concerning the inspection of steam boilers within the city as may be prescribed by ordinance, and he shall be authorized to charge such fees for the inspection of steam boilers and other steam generators as may be prescribed by ordinance, which he shall pay to the city treasurer at the end of each month and he shall receive a salary at the rate of eighteen hundred (\$1800) dollars per annum, payable monthly, which shall be in full for all his services, and he shall not receive any other fee or perquisite.

Salary.

Section amended.

Comptroller, duties of.

SEC. 35. That section one hundred and ten (110) of said act be and the same is hereby amended to read as follows: Section 110. The

comptroller shall act as the general accountant and fiscal agency of the city, and shall exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenue. He shall be a competent bookkeeper and accountant, and it shall be his duty, under the direction of the mayor and city council, to keep a complete set of books wherein shall be stated, among other things, the amount of the appropriation that has been made, or the fund that has been created for each distinct object of expenditure, and the amount that has been expended on account of such appropriation fund. He shall also keep full, clear, correct and separate accounts of all the revenue, funds and incomes payable into the city treasury, and of all disbursements on account thereof. He shall also keep accurate and separate accounts between the city and the officers of the city, and between the city and all contractors or other persons doing work or furnishing material for the city. He shall also keep a regular and accurate account of debit and credit with the city treasurer, charging said treasurer with the amount of taxes levied on the assessment roll, and giving him credit for all duplicate receipts furnished with his statements, and keep an account in like manner with said treasurer whenever assessments and appropriations are made, and expenditures ordered for any special object. He shall also carefully examine and check the annual report of the city treasurer, and communicate to the

city council as soon thereafter as practicable the result of such examination; and he shall also carefully examine, each month, the account, statement and vouchers required by law to be rendered at the end of each month by the city treasurer, making from time to time such reports to the city council concerning such accounts and statements as may seem necessary and proper. He shall also keep a record of the bonds issued by the city, and of the payment and cancellation of all bonds of the city, and shall see that all bonds, upon payment thereof are properly cancelled and destroyed. He shall also perform such other duties as may be required by ordinance, and he shall devote his entire time to the duties of his office, and he shall furnish a bond with at least two good and sufficient sureties to be approved by the council in the sum of ten thousand (10,000) dollars conditioned upon the faithful performance of his duties. It shall be the duty of the mayor on or before the first day of February of each year, to secure from the heads of each department of the city an estimate of the probable cost of such department for the current year following, and he shall submit such estimate to the city council, who shall thereupon make such corrections as shall be needed to embody the total expenditure on each of the several funds of the city, including rents, salaries, repairs, etc., and one copy of such revised estimate shall, within two weeks, be filed with the city comptroller, the mayor and city

Bond.

Departments.
estimated cost
of.

clerk, respectively. The comptroller shall there-
upon deduct the amounts so shown from the
limits of funds available for the expenditure of
the city for the current year, and no contract
or vote incurring an indebtedness for moneys
payable out of any fund shall be made by the
mayor, or city council, and no final action
shall be taken upon such proposed contract or
indebtedness without the certificate of the
comptroller that there are funds available to
pay the same. And in no event shall any con-
tract be made or indebtedness created in ex-
cess of the limit authorized by law, except in
the event of an unforeseen accident, requiring
immediate repair for the public good, which
fact must be certified to by the board of pub-
lic works, and only then with the concurrence
of the mayor and two-thirds of the entire
council. All bonds to be issued by cities of
the metropolitan class shall be prepared and
registered by the city comptroller before being
delivered to the city treasurer for issuance,
and it shall be the duty of the city treasurer
to promptly report to the comptroller detailed
statements of all receipts of moneys from the
proceeds of the sale of bonds, and to whom
such bonds were sold. All warrants for pay-
ment of liabilities of the city shall be made
and signed by the comptroller, signed by the
mayor and issued by the comptroller. A
monthly statement of all moneys and fees re-
ceived by officers for the city must be reported
on the first day of each subsequent month to
the comptroller in addition to the statement

No contract or
debt made or
incurred
unless funds
available.

Bonds to be
registered.

Monthly
statement.

said officials are required to furnish the treasurer.

Section
amended.

Appropriation
of private
property and
damages.

SEC. 36. That section one hundred and eighteen (118) of said act be and the same is hereby amended to read as follows: Section 118. Whenever it shall become necessary to appropriate private property for the use of the city for streets, alleys, avenues, sewers, parks, boulevards, public squares, gas works, water works or such other purpose authorized by this act, and such appropriation shall be declared necessary by ordinance, the mayor, with the approval of the council, shall appoint three disinterested freeholders of the city, who, after being duly sworn to perform the duties of their appointment with fidelity and impartialty, shall assess the damages to the owners of the property respectively taken by such appropriation. Such assessment shall be reported to the council for confirmation and if the same shall be confirmed, the damages so assessed shall be paid to the owners of such property, or deposited with the city treasurer subject to the order of such owners respectively, after which such property may at any time be taken for the use of the city. If the assessment be not confirmed by the council, proceedings may be taken anew to assess the damages.

Section
amended.

Appropriation
how made.

SEC. 37. That section one hundred and twenty-five (125) of said act be and the same is hereby amended to read as follows: Section 125. At the first meeting of the council in each month, the mayor and council shall provide by ordinance, for the payment of all lia-

bilities of the city, incurred during the preceding month, or at any time prior thereto. No money shall be expended or payment made by the city, except in pursuance of a specific appropriation made for that purpose by ordinance, and no liability shall be incurred, debt created, or contract involving the expenditure of money approved by the city council, except by a majority of the entire council upon call of the yeas and nays and the record of the council proceedings shall show how each member voted and any councilman voting to incur any liability or to create any debt in excess of the amount limited or authorized by law, or if the mayor shall approve any ordinance or contract involving the expenditure of money in excess of the amount limited or authorized by law, and any liability sought to be incurred or debt created, in excess of the amount limited or authorized by law, shall be taken and held by any court of the state as the joint or several liability and obligation of the councilmen voting for and the mayor approving the same, and not the debt, liability or obligation of the city, and the voting for or approving of such liability, obligation or debt shall be conclusive evidence of malfeasance in office, and for which such councilman, or mayor, may be removed from his office.

SEC. 38. That section one hundred and twenty-nine (129) of said act be and the same is hereby amended to read as follows: Section 129. At the first meeting of the council, or as soon as practicable after its organization, they

Section
amended.

Council shall
elect city clerk.

shall elect a city clerk who shall hold his office for the term of one year, and until his successor is elected and qualified. He shall give a bond in the sum of \$5,000, conditioned for the proper fulfillment of the duties of his office.

Section amended.

Official paper, how designated.

SEC. 39. That section one hundred and thirty-three (133) of said act be and the same is hereby amended to read as follows: Section 133. The council, at the commencement of each year, or as soon thereafter as may be, shall designate some daily newspaper, printed in the city as the official paper of the city, in which shall be published all general ordinances and all notices and other proceedings required by law or ordinance to be published. All publishing of the city shall be let by contract to the lowest responsible bidder, and the newspaper which shall be awarded the contract as the lowest responsible bidder for publishing all the matters hereinbefore specified, shall be the one designated as the official paper of the city; *provided*, that said paper shall have at least two thousand (2,000) actual and bonafide subscribers for one year last preceeding the time of bid.

Section amended.

Mayor shall be conservator of peace.

SEC. 40. That section one hundred and thirty-four (134) of said act be and the same is hereby amended to read as follows: Section 134. The mayor shall be a conservator of the peace throughout the city, and shall have power, by and with the concurrence of the board of police commissioners to appoint any number of special policemen which he may deem necessary to preserve the peace of the

Special police, how appointed

city, and to dismiss the same at pleasure. He shall sign the commissions or appointment of all officers elected and appointed by the city government. He shall have such jurisdiction as may be vested in him by ordinance over all places within three (3) miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance, or regulation thereof.

SEC. 41. That section one hundred and thirty-five (135) of said act be and the same is hereby amended to read as follows: Section 135. He shall have power, by and with the consent of a majority of the entire council, to appoint all officers other than those provided for in this act that may be deemed necessary for the good government of the city, and shall have power in like manner to remove from office, by and with the consent of the council, any person holding an office created by ordinance.

Section amended.

Power of appointment and removal.

SEC. 42. That section one hundred and thirty-nine (139) of said act be and the same is hereby amended to read as follows: Section 139. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council for the time being shall exercise the office of mayor, with all the rights, privileges, powers and jurisdictions of the regular mayor, until such vacancy be filled, or such disability removed; or in case of temporary absence, until the mayor shall return, and during that time he shall receive

Section amended.

Vacancy, how filled.

the same compensation that the mayor would be entitled to.

Section
amended.

Annual fiscal
report.

SEC. 43. That section one hundred and forty (140) of said act be and the same is hereby amended to read as follows: Section 140. The mayor and council shall cause to be published annually, on or before the first day of February, a statement of the receipts and expenditures of the city and the financial condition of the same for the preceding fiscal year.

Section
amended.

Orders and
drafts, how
signed.

SEC. 44. That section one hundred and forty-one (141) of said act be and the same is hereby amended to read as follows: Section 141. All orders and drafts on the treasury for money shall be signed by the mayor and shall be countersigned and issued by the comptroller, who shall keep an accurate record thereof in a book to be provided for that purpose.

Section
amended.

Appointive
officers, length
of term.

SEC. 45. That section one hundred and forty-four (144) be and the same is hereby amended to read as follows: Section 144. All officers appointed by the mayor and confirmed by the council shall hold the office to which they may be appointed until the end of the mayor's term of office, and until their successors are appointed and qualified, unless sooner removed, or the ordinance creating the office shall be repealed, except as otherwise provided in section one hundred and four (104).

Section
amended.

Board of fire
police.

SEC. 46. That section one hundred and forty-five (145) of said act be and the same is hereby amended to read as follows: Section 145. In each city of the metropolitan class there shall be a board of fire and police commissioners, to

consist of the mayor (who shall be ex-officio chairman of said board) and four electors of said city, to be appointed by the governor. The governor shall appoint, as the commissioners above, four citizens, not more than two of whom shall be of the same political party; two of them of different political party faith and allegiance, shall be designated in their appointment to serve for two years and the other two also of different political party faith, shall be designated to serve for four years. And thereafter, at the expiration of said term, and each period of two years, the governor shall appoint two members of said board. For official misconduct the governor may remove any of said commissioners, and all vacancies in said board by death, resignation or removal, shall be filled by the governor for the unexpired term, and all vacancies from whatever cause, shall be so filled that not more than two of the members of said board shall be of the same political party, or so reputed. All powers and duties connected with and incident to the appointment, removal, government and discipline of the officers and members of the fire and police departments of the city, under such rules and regulations as may be adopted by said board, shall be vested in and exercised by said board. A majority of said board shall constitute a quorum for the transaction of business. Before entering upon their duties, each of said officers shall take and subscribe an oath to be filed with the city clerk, faithfully, impartially, honestly, and to the best of his

Governor shall
appoint.

Same, may
remove and
fill vacancies.

Quorum.

Oath.

ability, to discharge his duties as a member of said board, and that in making appointments, or considering promotions or removals, he will not be guided or actuated by political motives or influences, but will consider only the interests of the city and the success and effectiveness of said departments. The board of fire and police shall have power, and it shall be the duty of said board, to appoint a chief of the fire department, an assistant chief of the fire department, and such other officers of the fire department as may be deemed necessary for its proper direction, management and regulation, and under such rules and regulations as may be adopted by said board. Said board may remove such officers, or any of them whenever said board shall consider and declare such removal necessary for the proper management or discipline, or for the more effective working or service of said department. The board of fire and police shall also employ such firemen and assistants, or may authorize the chief of the fire department so to do, as may be proper and necessary for the effective service of said department, to the extent and limit that the funds provided by the mayor and council for that purpose will allow. The board of fire and police shall have power, and it shall be the duty of said board, to appoint a chief of police and such other officers and policemen, to the extent that funds may be provided by the mayor and council to pay their salaries, as may be necessary for the proper protection and efficient police of the city, and as may be necessary to protect citizens and property and

Powers and
duties of board

maintain peace and good order. The chief of police and all other police officers and policemen shall be subject to removal by the board of fire and police, under such rules and regulations as may be adopted by said board, whenever said board shall consider and declare such removal necessary, for the proper management or discipline, or for the more effective working or service of the police department. It shall be the duty of said board of fire and police to adopt such rules and regulations for the guidance of the officers and men of said departments, and for the appointment, promotion, removal, trial or discipline of said officers and men as said board shall consider proper and necessary. The said board of fire and police shall have such further powers and perform such other duties as may be authorized or defined by ordinance. Each commissioner appointed by the governor before entering upon the duties of his office shall give bond in the sum of five thousand (\$5,000) dollars, conditioned for the faithful performance of the duties of his office, the same to be approved by and filed with the mayor.

SEC. 47. That section one hundred and forty-seven (147) of said act be and the same is hereby amended to read as follows: Section

147. The chief of police shall be the principal ministerial officer of the corporation. He shall, by himself, or by deputy, execute and return all writs and process issued by the police judge; he or one of his deputies, shall attend on the sitting of the police court and preserve order

Section
amended.

Chief of police
shall be principal ministerial
officers of the
corporation.

therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases for the violation of the city ordinances, shall be co-extensive with the county.

Section
amended.

Compensation
of the several
officers.

SEC. 48. That section one hundred and sixty-seven (167) of said act be and the same is hereby amended to read as follows: Section 167. The several officers hereinafter named of any city of the metropolitan class shall receive the following compensation, and no more directly or indirectly, to-wit:

1st. The mayor shall receive the sum of twenty-five hundred (\$2,500) dollars per annum.

2d. The police judge shall receive a salary of twenty-five hundred (\$2,500) dollars per annum.

3d. The treasurer shall receive the sum of fourteen hundred (\$1,400) dollars per annum and such further compensation or fees as may be provided by law, which shall be in full for his own services. And for the services of any deputy or assistant that may be necessary for the proper transaction of the business of his office, he shall receive the sum of fifteen hundred (\$1,500) dollars.

4th. The comptroller shall receive the sum of twenty-five hundred (\$2,500) dollars per annum.

5th. The chief of police shall receive the sum of two thousand (\$2,000) dollars per annum.

6th. The city clerk shall receive the sum of two thousand (\$2,000) dollars per annum.

7th. The city attorney shall receive the sum of three thousand (\$3,000) dollars per annum.

8th. The assistant city attorney shall receive the sum of two thousand (\$2,000) dollars per annum.

9th. The city engineer shall receive the sum of three thousand (\$3,000) dollars per annum.

10th. The assistant city engineer shall receive the sum of two thousand (\$2,000) dollars per annum.

11th. The chairman of the board of public works shall receive the sum of twenty-five hundred (\$2,500) dollars per annum.

12th. The superintendent of buildings shall receive the sum of two thousand (\$2,000) dollars per annum.

13th. The boiler inspector shall receive the sum of eighteen hundred (\$1,800) dollars per annum.

14th. The commissioners of fire and police shall each receive a salary of six hundred (\$600) dollars per annum.

15th. Each policeman shall receive a sum not exceeding eighty-five (\$85) dollars per month, and each officer of police under rank of chief shall receive a sum not exceeding one hundred (\$100) dollars per month, to be fixed by the board of fire and police commissioners. No policeman shall be allowed fees as a witness in any case tried in the police court.

16th. Each councilman shall receive the sum of six hundred (\$600) dollars per annum.

SEC. 49. That section sixty-five (65) of said Section amended. act be and the same is hereby amended to read

Power to
license, tax
and regulate
certain classes
of business.

as follows: Section 65. The mayor and council shall have the power to tax, license and regulate pawn brokers, auctioneers, employment agencies, commission merchants, brokers, insurance officers, insurance agents, brokers and solicitors, real estate agents, surveyors, engineers, architects, house movers, runners, hawkers, peddlers, telegraph, telephone or express, interests or business, and also such kind of business or vocation as the public good may require; and the mayor and council shall also have power to tax, license and regulate sales of bankrupt stocks of goods, and the selling or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser. The mayor and council shall also have power to levy and collect a license tax on shows, caravans, circuses, theatres and exhibitions for pay; billiard tables, ball and ten-pin alleys, without regard to the number of pins used, hacks, drays or other vehicles used for pay within the city, and may prescribe the compensation for the use of such hacks, drays and other vehicles.

Cities of the
metropolitan
class, what
are.

SEC. 50. That all cities in the State of Nebraska now having a population of eighty thousand inhabitants or more, and all cities which shall hereafter have attained a population of eighty thousand inhabitants or upwards shall be considered and known as cities of metropolitan class and shall be governed by the provisions of this act.

Repealing
clause.

SEC. 51. That said sections 1, 3, 12, 17, 28,

30, 35, 36, 37, 50, 55, 59, 64, 65, 66, 69, 70, 71, 72, 73, 78, 79, 85, 86, 87, 91, 96, 97, 98, 100, 101, 102, 104, 105, 108, 109, 110, 118, 125, 129, 133, 134, 135, 139, 140, 141, 144, 145, 147, 167, of said act, as heretofore existing, and also sections 52, 53, and 106 of said act, be and the same are hereby repealed.

SEC. 52. Whereas, an emergency exists for ^{Emergency clause.} the passage of this act, therefore, this act shall take effect and be in force from and after its passage.

Approved March 16th, 1889.

CHAPTER 14.

[House Roll No. 204.]

CITIES OF THE FIRST CLASS.

Section

1. Cities of first class.
2. Regulation.
3. How organized.
4. Corporate limits.
5. Contiguous property.
6. Additions.
7. Corporate name.
8. Rights reserved.
9. Powers.
10. Wards.
11. Precinct lines.
12. Elections, when held.
13. Election of officers.
14. Appointive officers.
15. Electors' qualifications.
16. Council meetings.
17. Salaries.
18. Same, police judge.
19. Officers' qualifications.
20. Mayor's powers and duties.
21. Same, veto.
22. Same, message.
23. Same, vacancy.
24. Same, may remit fines.
25. City clerk, duties of.
26. Treasurer, duties of.
27. Attorney, duties of.
28. Engineer, duties of.
29. Same, furnish estimates.
30. Marshal, duties of.
31. Street commissioner.
32. Accounts of officers.
33. Contracts, years and nays.
34. Streets, care of.
35. Markets.
36. Claims.
37. Public money diversion.
38. Same, special funds.
39. Fiscal year.
40. Annual appropriation bill.
41. Same, estimates.
42. Money, how expended.
43. Ordinances, how passed.
44. Warrants.
45. Power to contract.
46. Contracts, officers must not be interested.
47. Ordinances, rules for passage.
48. Same, style.
49. Taxes, levy.
50. Equalization.
51. Tax list, correction.
52. Taxes, delinquent.
53. Tax warrant.
54. Same, power of treasurer.
55. Same, duties and fees.
56. Taxes, property liable.
57. Same, ordinances for collecting.
58. Same, how paid.
59. Same, realty, sale of.

Section.

60. Tax liens.
61. Assessments, irregularities.
62. Same, re-levy.
63. Same, county treasurer.
64. Treasurer's books.
65. Public money, removal of the treasurer.
66. Treasurer's annual report.
67. Ordinances, powers.
69. Paving.
70. Same, contracts for.
71. Same, street intersections.
72. Special sewer assessments.
73. Same.
74. Same, how used.
75. Distress warrant, tax collection.
76. Apportionment of assessment.
77. Completion and acceptance of work.
78. Railways, use of streets, liability.
79. Special assessments.
80. Board of public works.
81. Finances, published statement.
82. Witnesses.
83. County jail.
84. Bonds for sewers and water works.
85. Same, waterworks.
86. Same, contracts.
87. Bonds, interest.
88. Water commissioner.
89. Same, duties.
90. Taxes for sewerage and water-works.
91. Liquors, license.
92. Payment of taxes.
93. Printers' fees.
94. Special engineer.
95. Police judge, jurisdiction.
96. Same, powers, duties.
97. Same, appeal.
98. Same, error.
99. Same, complaints.
100. Fines and penalties.
101. Trial.
102. Recognizance.
103. Same, breach.
104. Witnesses.
105. Trial by jury.
106. Judgment.
107. Discharge.
108. Proceedings.
109. Undertaking.
110. Continuance.
111. Challenges.
112. Punishment.
113. Working prisoners.
114. Vacancy in office.
115. Repealing clause.
116. Emergency clause.

AN ACT, to incorporate cities of the first class and regulating their duties, powers, government and remedies.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. [*Cities of First Class.*].—That all cities having less than eighty thousand (80,000) inhabitants, and more than twenty-five thousand (25,000) inhabitants shall be governed by the provisions of this act, and be known as cities of the first class.

Number of inhabitants required to make a city of the first class, first grade.

SEC. 2. [*Population.*].—Whenever a city of the second class shall have attained a population of more than twenty-five thousand (25,000) inhabitants and such fact shall have been duly certified to the Governor by the Mayor of such city, attested by the seal thereof, he shall declare by public proclamation such city to be a city of the first class and subject to the provisions of this act.

Same, how created.

SEC. 3. [*How organized.*].—The government of such city shall continue in authority from the date of such proclamation until the reorganization under this act. The mayor and council shall divide the city into not less than six wards, to take effect at the next annual municipal election.

City government, division into wards.

SEC. 4. [*Corporate limits.*].—The corporate limits of such city shall remain as theretofore, and the mayor and council may by ordinance include therein all the territory contiguous or adjacent, which has been by the act, authority or acquiescence of the owners sub-divided into parcels containing not more than twenty acres, and the mayor and council shall have power,

Corporate limits, how defined.

May vacate
public roads.

Contiguous
property de-
fined.

Additions, how
to lay out.

Map.

Acknowledgement.

by ordinance, to compel the owners of lands so brought within the corporate limits to lay out streets, ways and alleys to conform and be contiguous with the streets, ways and alleys of such city (or otherwise as shall appear most for the convenience of the inhabitants of such city and the public), and they may vacate any public road heretofore established through such land, when necessary to secure regularity in the general system of its public ways.

SEC. 5. [*Contiguous property.*].—Land shall be deemed contiguous to such city, notwithstanding any stream or embankment, or any strip or parcel of land not more than two hundred (200) feet in width may lie between such land and the corporate limits of such city.

SEC. 6.—[*Additions.*].—The proprietor or proprietors of any land within the corporate limits of any city of the first-class, or contiguous to the same, may lay out said lands into lots, blocks, streets, avenues and alleys, and other grounds under the name of.....addition to the city of.....and shall cause an accurate map or plat thereof to be made out designating explicitly the lands so laid out and particularly describing the lots, blocks, streets, avenues and alleys, and grounds belonging to such addition; the lots must be designated by numbers, and the streets, avenues, and other grounds by name or numbers, and such plat shall be acknowledged before some officer authorized to take the acknowledgement of deeds, and have appended a certificate, made by some competent surveyor, that he has accurately surveyed

such addition and that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds are well and accurately staked off and marked, and when such map or plat is so made out, acknowledged and certified, and after being approved by the mayor and council, the same shall be filed and recorded in the office of the county clerk of the county, and thereupon such plat shall be equivalent to a deed in fee simple to said city, from the proprietor, of all streets, avenues, alleys, public squares, parks, and commons, and of such portion of the land as is therein set apart for public and city use, or is dedicated to charitable, religious, or educational purposes, and all additions thus laid out shall remain a part of said city and all additions now or hereafter laid out adjoining or contiguous to the said corporate limits shall be included within the same, and be and become thereupon a part of such city for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges, and subject to all the laws, ordinances, rules and regulations of the city to which said land is an addition; *Provided*, the mayor and council shall have power by ordinance to compel the owners of any such addition to lay out streets, avenues, and alleys, so as to have the same correspond in width and direction, and be continuations of the streets, ways, and alleys in the city or additions thereto, contiguous to or near the proposed addition, and no addition shall have any validity, right or privilege as an addition unless the

Filed with
county clerk.

Approved by
mayor and
council.

Corporate
name.

Service of
proof.

Accrued
rights, trusts
and privileges
not affected.

Powers grant-
ed.

terms and conditions of such ordinance are complied with, and the plats thereof submitted to and approved by the mayor and council, and such approval endorsed thereon.

SEC. 7. [*Corporate name.*].—The corporate name of each city organized under or governed by this act shall be the city of, and all process whatever affecting any such city shall be served upon the mayor, or acting mayor, or in the absence of both of said officers from the city, then upon the city clerk.

SEC. 8. [*Rights reserved.*].—No right of property accrued to any city, corporation or person under any law heretofore in force shall be affected by this act, and all city ordinances now in force and not repugnant to the provisions of this act shall remain and continue in force until altered or repealed by the Mayor and council. When any such city or town shall be incorporated under the provisions of this act, all its said trust, rights and privileges shall be transmitted to and vested in such latter corporation and all actions heretofore commenced by or against any city, or town which shall become a city, governed under the provisions of this act, shall be in no manner affected by this act, but all such actions shall be continued to final judgment and satisfaction as if this act had not been passed.

SEC. 9. [*Powers.*].—Each city governed by the provisions of this act shall be a body corporate and politic, and shall have powers:

First. To sue and be sued.

Second. To purchase and hold real and per-

sonal property for the use of the city, and real estate sold for taxes.

Third. To sell and convey any real or personal estate owned by the city, and make such order respecting the same as may be deemed conducive to the interest of the city.

Fourth. To make all contracts and to do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate powers.

Fifth. To exercise such other and further powers as may be conferred by law. The powers hereby granted shall be exercised by the mayor and council of such city as hereinafter set forth, but they shall not have power to sell any real estate of the city unless authorized to do so by a vote of the majority of the electors of such city at a special election therefor.

Same, vested in mayor and council.

Sale of real estate.

SEC. 10. [*Wards.*].—Each city governed by this act shall be divided into not less than six wards, as compact in form and equal in population as may be, and no ward shall contain less than three thousand five hundred inhabitants, the boundaries of which shall be defined by ordinance. Each ward shall constitute an election district; *Provided*, That when any ward shall contain over five hundred (500) legal voters, the mayor and council may divide such ward into two or more election districts.

Wards and election districts.

SEC. 11. [*Precinct lines.*].—Precinct lines in that part of any county not under township organization, embraced within the corporate limits of any city governed by this act, shall correspond with the ward lines in such city,

Precinct and ward lines must correspond, when.

Justices of the
peace and con-
stable.

and such precinct shall correspond in number with the ward of the city, and be co-extensive with the same; *Provided*, That when a ward is divided into election districts, the precinct corresponding with such ward shall be divided so as to correspond with the election district. And *Provided, further*, That no justices of the peace or constable shall be elected in such precinct and every such city shall constitute a district for the election of justices of the peace and constables, and in every such district there shall be elected two justices of the peace and two constables at the time provided by law for the election of such officers in other districts.

Elections,
general.

SEC. 12. [*Elections—when held.*].—The general city election in all cities governed by this act shall be held on the first Tuesday in April, annually. The polls shall be open at such place in each election district as may be designated by the mayor or be fixed by ordinance, and shall be kept open between the hours of nine o'clock a. m. and seven o'clock p. m., and no longer.

Election of
officers.

SEC. 13. [*Election of officers.*].—At the first annual election after such proclamation by the governor, a mayor, treasurer, clerk and police judge shall be elected by a plurality of votes for the term of two years, and biennially thereafter. Also, in each ward two councilmen for the term of one and two years respectively, and one annually thereafter for two years; *Provided*, That officers whose terms are unexpired shall hold their offices for their unexpired terms, and elections shall be made as vacancies occur.

Terms of
office.

There shall also be in each city governed by Excise board. this act an excise board, consisting of the mayor, who shall be ex-officio member and the chairman thereof, and two members elected by the city at large, who shall hold their offices for two years. The terms of all elective officers shall commence on the Tuesday next after their election and continue until their successors are elected and qualified. Official term begins, when. Each councilman hereafter elected in any such city, before entering upon the duties of his office, shall be required to give a bond to said city in the sum of two thousand dollars with two or more good and sufficient sureties, residents of said city, who shall each justify that he is worth at least two thousand dollars over and above all debts, liabilities, and exemptions; conditioned for the faithful discharge of the duties of the councilman giving the same, and further conditioned that if said councilman shall vote for any expenditure of money, or the creation of any liability in excess of the amount allowed by Councilmen must give bond. law, or shall vote for the transfer of any sum of money from one fund to another where such transfer is not allowed by law, that such councilman and the sureties signing said bond shall be liable thereon. Liab. for violation of conditions.

SEC. 14. [*Appointive officers.*]Appointive officers.—An engineer, attorney, street commissioner, chief of the fire department, water commissioner, and three members of the board of public works, gas inspector, inspector of meats and live stock, and sealer of weights and measures, and such other officers as may be provided for by this act except

Removal.

Marshal and
police, how
appointed.Qualifications
of electors.Certificate of
election.Council meet-
ings.

the marshal and police, and not elective, may be appointed by the mayor, by and with the assent of the council. Any of such officers may be removed at any time by a vote of three-fourths of all the members of the council. All confirmation of officers by the council shall be made viva voce, and the concurrence of a majority shall be required, and the vote by yeas and nays shall be recorded. The city marshal and such number of police as the council may authorize shall be appointed and may be removed by the mayor at pleasure, and in case of emergency the mayor may appoint a necessary number of special police, who shall be removable at the pleasure of the mayor.

SEC. 15. [*Electors — Qualification.*] — The qualification of the electors in the several wards shall be the same as is required for the electors under the laws of the state, and they shall also have resided in the city three months and in the ward seven days. At a meeting of the council on the first Monday after any city election, the returns shall be canvassed, and they shall cause the clerk to make out and deliver certificates of election to the persons found to be elected, and a neglect of such officer to qualify within ten days after the delivery to him of such certificate shall be deemed a refusal to accept the office to which he may have been elected.

SEC. 16. [*Council meetings.*]—Regular meetings of the council shall be held at such times as may be fixed by ordinance and special meetings whenever called by the mayor or any four

councilmen. Two-thirds of all the members elected to the council shall constitute a quorum Quorum. for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members.

SEC. 17. [*Salaries.*].—The salaries of all officers shall be fixed by ordinance, not exceeding the following sums per year, respectively: The mayor, one thousand (1,000) dollars per annum; treasurer, fees as hereinafter provided, not to exceed twelve hundred (1,200) dollars per annum; each councilman, and member of the excise board, except the mayor, three hundred (300) dollars per annum; clerk, fifteen hundred (1,500) dollars per annum, including the making of the tax list; marshal, one hundred (100) dollars; captain of police, ninety (90) dollars, and policemen seventy (70) dollars each per month; city engineer, eighteen hundred (1,800) dollars per annum; street commissioner, seventy-five (75) dollars per month; city attorney, fifteen hundred (1,500) dollars per annum; water commissioner one thousand (1,000) dollars per annum; inspector of meats and live stock, seventy (70) dollars per month; sealer of weights and measures and gas inspector, fees or salary as may be provided by ordinance; chairman of the board of public works, twelve hundred (1,200) dollars per annum, and the other two members of said board, two hundred (200) dollars per annum. The foregoing to be construed as limitations and not fixed salaries. All other officers and employes of the city except police judge, shall receive such compensation as the mayor

Salaries must be fixed by ordinance.

and councilmen shall fix by ordinance at the time of their employment; *Providing, however*, that if any officer absent himself from the city for the period of sixty days or more he shall forfeit his salary during such absence, and if absent for ninety days his office may be declared vacant by the mayor and three-fourths of all the members of the council. The emoluments of no officer, whose election or appointment is required by this act, shall be increased or diminished during the term for which he was elected or appointed, and no person who shall have resigned or vacated any office, shall be eligible to the same or any appointive office during the time for which he was elected or appointed.

Salaries may
not be chang-
ed, when.

SEC. 18. [*Police judge.*].—The compensation of the police judge shall be fifteen hundred (1,500) dollars per annum to be retained out of the fees collected by him, for his services; *Provided*, This shall not include any sums he may receive for his services as an examining magistrate, and in cases under the statutes. He shall keep in a suitable book, to be provided by the city, an accurate account of all fees and costs by him collected in cases for violations of city ordinances.

Must keep a
fee book.

Officers,
qualifications.

SEC. 19. [*Officers, who qualified.*].—All officers shall be qualified electors of the city, entitled to vote at all elections therein.

Mayor's
duties.

SEC. 20. [*Mayor's powers and duties.*].—The mayor shall preside at all meetings of the city council, and shall have a casting vote when the council is equally divided, except as

is otherwise herein provided, and none other, and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and the provisions of this act are complied with, and may administer oaths, and shall sign the commissions and appointments of all the officers appointed in the city.

SEC. 21. [*Same, veto.*].—The mayor shall have Same, veto. the power to sign or veto any ordinance passed by the city council, and to sign or veto any order, by-law, resolution, award of or vote to enter into any contract, or the allowance of any claim; *Provided*, That any ordinance, order, by-law, resolution, award or vote to enter into any contract, or the allowance of any claim vetoed by the mayor, may be passed over his veto by a vote of two-thirds of all the members elected to the council, notwithstanding his veto, and should the mayor neglect or refuse to sign any ordinance or resolution and return the same with his objection in writing at the next regular meeting of the council, the same shall become a law without his signature;

Provided, That the mayor may veto any item Items in appropriation bill. or items of any appropriation bill, and approve the remainder thereof, and the item or items so vetoed may be passed by the council over his veto as in other cases.

SEC. 22. [*Message.*].—He shall from time to Same, message. time communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of

the finances of the city, the police, health, comfort and general prosperity of the city, and shall have such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of health, or quarantine ordinance, and regulation thereof, and shall have jurisdiction in all matters vested in him by ordinance, excepting taxation, within one-half mile of the corporate limits of said city.

Jurisdiction.

Same,
vacancy.

SEC. 23. [*Vacancy.*].—In case of any vacancy in the office of mayor, or in case of his absence or disability, the president of the council shall exercise the powers and duties of the office of mayor until such vacancy shall be filled or such disability removed, or in case of temporary absence, until the mayor returns, and perform such other duties as may be required by law. The mayor may require any male inhabitant of the city, between the ages of eighteen and fifty, to aid in enforcing the laws.

Aid in enforcing
the laws.

Remittal of
fines.

SEC. 24. [*May remit fines.*].—The mayor shall have power, after conviction, to remit fines and forfeitures and to grant reprieves and pardons for all offences arising under the ordinances of the city.

City clerk,
duties of.

SEC. 25. [*Clerks, duties of.*].—The city clerk shall have the custody of all laws and ordinances, and shall keep a correct journal of the proceedings of the council; he shall also keep a record of all outstanding bonds against the city, showing the number and amount of each, for what and to whom the said bonds were issued, and when any bonds are purchased,

paid or cancelled said record shall show the fact, and in his annual report he shall describe particularly the bonds issued and sold during the year, and the terms of sale with each and every item of expense thereof; he shall also perform such other duties as may be required by the ordinances of the city. He shall also make, at the end of each month, a report showing the amount appropriated to each fund and the whole amount of warrants drawn thereon, which shall be spread at large upon the minutes.

Annual report.

Monthly report.

SEC. 26. [*Treasurer, duties of.*—The treasurer shall be required to give bonds in not less than one hundred thousand dollars (\$100,000) or he may be required to give bond in double the sum of money estimated by the council to be at any time in his hands, belonging to the city and school districts, and shall be the custodian of all moneys belonging to the corporation; he shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto; he shall give every person paying money into the treasury a receipt therefor, specifying date of payment and on what account paid; he shall also file copies of receipts, except tax receipts, with his monthly reports; he shall, at the end of each and every month, and as often as may be required, render an account to the city council, under oath, showing the state of the treasury at the date of each account, the amount of money remaining in such fund, and the amount paid therefrom, and the balance of money in

Treasurer to give bond.

Keep separate accounts.

Render account under oath, when.

the treasury; he shall also accompany such accounts with a statement of all the receipts and disbursements, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be filed with his said account in the clerk's office, and if said treasurer neglect or fail for the space of thirty days from the end of any month to render his said account his office may, by resolution of the mayor and council, be declared vacant, and the city council shall fill the vacancy by appointment until the next election for city officers. The treasurer may employ and appoint a deputy, who shall be allowed a salary of not more than five hundred (\$500) dollars per annum, to be fixed by the council at the time of his employment, and the treasurer shall be liable upon his bond for the acts of such deputy.

Vacancy, how
declared and
filled.

Deputy
treasurer.

City attorney.

SEC. 27. [*Attorney, duties of.*].—The city attorney shall be the legal adviser of the council and city officers; he shall commence, prosecute and defend suits and actions commenced, prosecuted or defended on behalf of the corporation, shall attend all meetings of the council and give them his opinion upon any matter submitted to him, either orally or in writing as may be required. *Provided*, that he shall not be required to prosecute complaints for offenses against the city ordinances in police court, except on the request of the mayor, council or police judge.

City engineer.

SEC. 28. [*Engineer, duties of.*].—The city engineer shall make a record of the minutes of

his surveys and of all work done for the city, including sewers and extensions of water system, and accurately make such plats, sections, profiles, maps, plans, details and specifications as may be necessary in the prosecution of any public work, which shall be public records, and belong to the city, and be turned over to his successor.

SEC. 29. [*Same.*]^{Estimates.}—The city engineer shall make estimate of the cost of labor and materials which may be done or furnished by contract with the city, and make all surveys, estimates and calculations necessary to be made for the establishment of grades, building of culverts, sewers, waterworks, bridges, curbings and gutters, and the improvement of streets, and erection and repair of buildings, and shall perform such other duties as the council may require. Before the city council shall make any contract for building waterworks, or any part thereof, or any sewers, bridges, or work on the streets, or any other work or improvement to cost over two hundred dollars (\$200), an estimate of the total cost thereof together with detailed plans and specifications thereof shall be made by the city engineer and submitted to the council, and, if approved by the council, such plans and specifications shall be returned to the city engineer and kept by him subject to public inspection, and the work and improvement shall be done substantially in accordance therewith, and no contract shall be entered into for any work or improvement for a price exceeding such estimate, and in advertising for ^{Advertise for} bids.

bids for any such work, the council shall cause the amount of such estimate to be published therewith. Such advertisements shall be at least ten days in some daily newspaper of general circulation, published in the city.

Must be requested in writing before contract is let.

Owners of real estate must consent to changes.

Provided, That in case any such work or improvement is to be paid for by a special tax or assessment, no contract shall be entered into until such work or improvement shall have been requested in writing by, and the plans and specifications thereof shall have been approved by the owners of a majority of the real estate proposed to be assessed with the cost thereof, and no material change shall be made in such plans and specifications, nor any change or changes which shall increase the cost of such work above said estimate, except with the consent of a majority of the owners of real estate to be taxed therefor expressed in writing. Such majority to be estimated according to front foot or square foot as the council may determine.

Marshal and policemen, powers and duties.

SEC. 30. [*Marshal, duties of.*—The marshal shall have the immediate superintendence of the police, and the marshal and policemen shall have power, and it shall be their duty to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as a sheriff or constable, and to keep them in the city prison, or other place, to prevent their escape until a trial or examination may be had before a proper officer, and shall have the same powers as sheriffs and constables in rela-

tion to all criminal matters and all process issued by the police judge.

SEC. 31. [*Street Commissioner.*]^{Street commissioner.}—The street commissioner shall, subject to the orders of the mayor and council, have general charge, direction and control of all work in the streets, sidewalks, culverts and bridges of the city, except matters in charge of the board of public works, and shall perform such other duties as the council may require.

SEC. 32. [*Accounts of officers.*]^{Accounts, exhibited when.}—The mayor or council shall have power, when he or they deem it necessary, to require any officer of the city to exhibit his accounts, or other papers, and to make reports to the council in writing touching any subject or matter they may require pertaining to his office.

SEC. 33. [*Contract, resolution.*]^{Yeas and nays shall be called, when.}—On the passage or adoption of every resolution or order to enter into a contract, or accepting of work done under contract, by the mayor or council, the yeas and nays shall be called and recorded, and to pass or adopt any by-laws, ordinance, or any such resolution, or order, a concurrence of a majority of the whole number of members elected to the council shall be required.

SEC. 34. [*Streets, care of.*]^{Care and control of streets.}—The mayor and council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares, and commons within the city, and shall cause the same to be kept open and in repair and free from nuisances.

SEC. 35. [*Markets.*]^{Markets, regulation of.}—The mayor and council shall have full power to prevent forestalling,

to prohibit or regulate huckstering in the market, to prescribe the kind and description of articles which may be sold, and the stand or places to be occupied by venders, and may authorize the immediate seizure and arrest or removal from the markets of any persons violating its regulations as established by ordinance, together with any articles of produce in their possession, and the immediate seizure and destruction of tainted or unsound meat or other provisions. Nothing in the act contained shall be so construed as to authorize the council to pass an ordinance for the purpose of assessing or imposing any tax, assessment, fine or punishment upon any farmer or producer for selling at any time within the city any article of provision or vegetables grown or produced by him.

Claims, must
be sworn to.

SEC. 36. [*Claims.*].—All claims against the city must be presented in writing with a full account of the items, verified by the oath of the claimant or his agent, that the same is correct, reasonable and just, and no claim shall be audited or allowed unless presented or verified as provided for in this section and read in open council. The vote of each councilman upon the allowance of any claim shall be entered upon the minutes. *Provided*, That no claim arising either on contract or tort exceeding the sum of twenty-five (\$25.00) dollars shall be allowed until the same shall have been read in open council and the name of the claimant and the amount and nature of the claim published once in a daily newspaper

Notice must be
given of
amount and na-
ture of claim.

published and of general circulation in said city. Not more than five words shall be used in stating the nature of any such claim. Any tax-payer in such city or the claimant may, after the allowance of any claim required by this section to be published, appeal therefrom to the district court of the county in which such city is situated, by giving notice of such appeal to the city clerk within two days after the allowance of the same and filing within ten days after such allowance, a bond or obligation in favor of said city with the clerk thereof, and with good and sufficient sureties to be approved by said clerk, conditioned that said appellant shall prosecute said appeal to effect and without any unnecessary delay, and pay all costs that may be adjudged against said appellant; and in an appeal by a tax-payer, in case the claimant finally recovers judgment for as much or a greater sum, exclusive of interest, as allowed by the council, such appellant shall pay all costs made by such appellate proceedings; and in an appeal by a claimant, in case such claimant does not recover of said city as large a sum, exclusive of interest, as allowed by such council, said claimant shall pay all costs made by said appeal. The procedure of such appeal shall be in all respects as near as may be like the procedure on appeal from the county board to the district court. In case of appeal no warrant shall issue for the payment of any claim until said appeal is finally determined. And to maintain an action against said city for any unliquidated claim, it shall be necessary

Appeals may
be taken.

Costs of appeal,
how paid.

Same,
procedure.

Actions for
unliquidated
claims, when
initiated.

Appeal bond
not required.

that the party file in the office of the city clerk, within three months from the time such right of action accrued, a statement, giving full name, and the time, place, nature, circumstance, and cause of the injury or damage complained of. No appeal bond shall be required of the city by any court in any case of appeal by said city.

Funds must be
applied to pur-
pose for which
created.

SEC. 37. [*Public money diversion.*] — Each and every fund created by this act shall be strictly devoted to the purpose for which it was created and shall not be diverted therefrom, and any member of the city council voting to so divert the money in any fund shall be liable to suit for damages for the amount of funds so diverted. *Provided*, That any surplus remaining in any fund after all obligations against the same shall have been satisfied, and which surplus is no longer required for the purpose for which such fund was created, may be transferred to any other fund by order of the council.

Same.

SEC. 38. [*Same—Special funds.*]—All moneys received in any special assessment shall be held by the treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made; and such money shall be used for no other purpose whatever. *Provided*, That any surplus remaining in any fund after all obligations against the same shall have been satisfied, may be transferred to any other fund by order of the council.

SEC. 39. [*Fiscal year.*]^{Fiscal year.}—The fiscal year of each city shall commence on the first Monday in September.

SEC. 40. [*Appropriation bill—Annual.*]^{Annual appropriation bill, when to pass.}—The city council shall, within the last quarter of each fiscal year, pass an ordinance to be termed the “Annual Appropriation Bill,” in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporations, not exceeding in the aggregate the amount of tax authorized to be levied during the then ensuing year; and in such ordinance shall specify the object and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriation shall be made at any other time within such fiscal year, unless the proposition to make such appropriation has been sanctioned by a majority of the legal voters of such city, either by a petition signed by them, or at a general or special election duly called therefor; and all appropriations shall end with the fiscal year for which they were made.^{Additional appropriations, how made.}

Provided, That the fund arising from “road taxes” and “bridge taxes,” as in this chapter provided, shall be deemed especially appropriated, and shall not be included in the annual appropriation ordinance, and^{Exceptions.}

Provided, further, that nothing herein shall be construed to prohibit the council from appropriating other money in the annual appropriation bill for the use of streets, grades and bridges.

Estimates of money necessary for all purposes to be made and published, when.

SEC. 41. [*Same, estimates.*].—Before such annual appropriation bill shall be passed the council shall prepare an estimate of the probable money necessary for all purposes to be raised in said city during the fiscal year for which the appropriation is to be made, including interest and principal due on the bonded debt and sinking fund, itemizing and classifying the different objects and branches of expenditures as near as may be, with a statement, of the entire revenue of the city for the pre-previous fiscal year, and shall enter the same at large upon its minutes and cause the same to be published for one week in some daily newspaper published and of general circulation in the city.

Money, how paid out.

SEC. 42. [*Money, how expended.*].—The mayor and council shall have no power to appropriate, issue or draw any order or warrant on the treasurer for money unless the same shall have been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed according to the provisions of this chapter, and appropriations for the class or object out of which such claim is payable, has been made as provided in section 41. Neither the city council nor any department or officer of the corporation shall add to the corporation expenditures in any one year, anything over and above the amount provided for in the annual appropriation bill for that year, except as herein otherwise specially provided. And no expenditure for any improvement to be paid for out of the

general fund of the corporation, shall exceed in any one year the amount provided for such an improvement in the annual appropriation bill:

Provided, however, that nothing herein contained shall prevent the city council from ordering, by a three-fourths vote, any improvement, or the repair or restoration of any improvement, or the purchase of any apparatus or machinery, the necessity of which is caused by any casualty, accident or emergency happening after such annual appropriation is made, or, by a like vote, from making necessary appropriations for quarentine or hospital purposes in case of outbreak of a virulent epidemic or contagious disease. The city council may, by a like vote, order the mayor to borrow a sufficient sum to provide for the expense necessary to be incurred in making any such improvement, or repairs, or restoration of improvements, or purchase of apparatus or machinery, the necessity of which has arisen, as is last above mentioned, for a space of time not exceeding the close of the next fiscal year, which sum and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein.

SEC. 43. [*Appropriations.*] — All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days, unless two thirds of the council

Emergency appropriations.

Same, how borrowed.

Appropriations, how made.

Ordinances in general, how enacted.

shall dispense with the rule. No ordinance shall contain any subject which shall not be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed.

Warrants, what must be stated and how signed.

SEC. 44. [*Warrants.*]—Upon allowance of claims by the council the order for the payment shall specify the particular fund or appropriation out of which they are payable as specified in the annual appropriation bill passed in the manner hereinbefore provided, and no order or warrant shall be drawn in excess of ninety per centum of the current levy for the purpose for which it is drawn, unless there shall be sufficient money in the treasury at the credit of the proper fund for its payment, excepting as to funds raised by special assessment for public improvements. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable and for what particular object; no money shall be otherwise paid than upon such warrants so drawn; each warrant shall specify the amount levied and appropriated to the fund upon which it is drawn and the amount already expended of such fund.

Contracts must not be made prior to appropriations therefor.

SEC. 45. [*Power to contract.*]—No contract shall hereafter be made by the city council or any committee or member thereof, and no ex-

pense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

SEC. 46. [*Contracts—Officers not to be interested in.*]^{May not be interested in contracts, who.}—No officer of any city shall be interested, directly or indirectly, in any contract to which the corporation, or any one for its benefit, is a party; and such interest in any such contract shall avoid the obligation thereof on the part of said corporation. Nor shall any officer of the city be interested, directly or indirectly, in any contract to perform any work for or furnish any material to any contractor or sub-contractor intended for use or which shall be used by the latter in the performance of any contract with the city. Nor shall any officer of the city, directly or indirectly, sell or^{Material, shall not sell.} furnish any material to such contractor or sub-contractor to be used or which shall be used by such contractor or sub-contractor in the performance of any such contract, or by any employe of the city in performance thereof. Any violation of the provisions of this section shall avoid the obligation of every such contract on the part of the city and defeat any recovery for any materials so sold or furnished. Nor shall any officer receive any pay or perquisites from the city other than his salary, as^{Perquisites forbidden.} provided by ordinance and this charter, and the city council shall not pay or appropriate

any money or other valuable thing to any person, not an officer, for the performance of any act, service or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of such corporation, unless the same is specially appropriated and ordered by a vote of three-fourths of all the members elected to the council.

Ordinances,
how passed and
authenticated.

SEC. 47. [*Ordinances, rules for passing.*].—All ordinances shall be passed pursuant to such rules and regulations as the council may provide, and all such ordinances may be proved by the certificate of the clerk under the seal of the city, and when printed or published in book or pamphlet form, and purporting to be published by the authority of the city, shall be read and received in evidence in all courts and places without further proof. The passage, approval and publication or posting of said ordinances shall be sufficiently proved by a certificate under the seal of the city, from the clerk thereof, showing that such ordinance was passed and approved, and when and in what paper the same was published, and when and by whom, and where the same was posted up. And when ordinances are published in book or pamphlet form, purporting to be published by authority of the city council, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts, without further proof.

SEC. 48. [*Ordinances, style.*]^{Same, style.}—The style of ordinances shall be: “Be it ordained by the mayor and council of the city of——” and all ordinances of a general nature shall, within one month after they are passed, be published^{Publication.} in some newspaper published within the city, or in pamphlet form, to be distributed or sold, as may be provided by ordinance, and every ordinance fixing a penalty or forfeiture for its violation shall not take effect until one week^{When to take effect.} after its publication in the manner above prescribed.

Provided, however, that in case of riots, infections or contagious diseases, or other impending danger, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor, immediately upon its first publication as above provided. All other ordinances shall take effect immediately after their passage and approval, unless otherwise provided in the ordinance itself.

SEC. 49. [*Taxes—Levy.*] — The mayor and council shall have power to levy and collect taxes for general purposes, not exceeding ten mills on the dollar valuation in any one year, on all real estate and personal property within the corporate limits of the city, taxable according to the laws of this state, and such tax for interest and sinking fund of the bonded debt as may be requisite and authorized by law. And^{Taxes, levy, ten mill limit.} the mayor and council shall also have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and^{Special police fund.}

Special fire
fund.

Assessment
roll, how made.

Poll tax.

paying the police department of said city, not to exceed three (3) mills on the dollar valuation in any one year; taxes levied for said purposes to constitute a special fund therefor; and shall also have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the fire department of any such city, not to exceed five (5) mills on the dollar valuation in any one year; taxes levied for said purpose to constitute a special fund therefor. The valuation of such property to be taken from the assessment rolls of the proper county, and it shall be the duty of the county clerk to permit the city clerk to make out from the assessment rolls of the county an assessment roll for the city of all property liable to taxation as above specified, which the city clerk shall complete on or before the third Monday in June of each year, unless otherwise ordered by the council; upon the completion of such copy of said assessment roll the city clerk shall add to said roll any and all real estate in said city which is exempt from taxation for general purposes and assess the same as near as may be to correspond with the assessed value of like property on said county roll and enter the same in a separate column for the purpose of special assessment in said city, authorized by law, and shall be subject to equalization by the city council, the same as other property, when sitting as a board of equalization. The council shall also have the power to assess, levy, and collect a poll tax, not to exceed three (3) dollars, upon every male inhabi-

tant of said city between the ages of 21 and 50 years, sane, and not a public charge as a pauper or member of the police or fire department. The council shall also have power to assess, ^{Dog tax.} levy, and collect a special tax on all dogs in the city, and the fund so arising shall be paid into the general fund of the city. The road taxes collected from property in the city shall be paid to the city treasurer and expended as the council may direct.

SEC. 50. [*Equalization.*].—The council shall ^{Board of equalization, powers of.} have power to act as a board of equalization for the city, to equalize all assessments and to correct any error in the listing or valuation of property, and to supply any omissions in the same, and shall have the same power as county commissioners have in similar cases. And when such roll is completed the council shall hold a session of not less than five (5) days as a board of equalization, giving notice of such sitting ^{Notice.} at least six days prior thereto though a newspaper published and of general circulation in the city. The council, sitting as such board of equalization, shall ascertain whether the valuations in one ward bear a just relation to all the wards in the city, and may increase or diminish the aggregate valuation of property in any ward by adding to or deducting such sum upon the dollar as may be necessary to produce a just relation between all the valuations of all the wards in the city, but shall in no instance reduce the aggregate valuation of all the wards below the aggregate valuations thereof as made by the assessors, neither shall

it increase the aggregate valuation of all the wards except in such amount as may be actually necessary and incidental to a proper and just equalization. And in all cases before any special tax, except sidewalk tax, shall be finally levied, it shall be the duty of the council to sit as a board of equalization for the purpose of equalizing any such proposed levy, special taxes or assessments, and correcting any error therein, giving notice of sitting in the same manner as provided in this section, stating in such notice the purpose for which it will sit, and it shall continue such session for not less than two (2) days, and at such session it shall hear all complaints that the owners of the property so to be assessed and taxed may make, and it shall be its duty to equalize any such assessments by correcting any errors therein, and thereupon said assessments and special taxes shall be finally levied, and the same shall be a lien upon all the property of such persons that may be listed and assessed for taxation that year.

Provided, That no complaint that another is assessed too low shall be acted upon, and no assessment shall be increased until the person so assessed shall be notified of such complaint or of such proposed increased assessment, if a resident of the city.

Tax list, when
made.

SEC. 51. [*Tax list, correction.*].—As soon as the assessment roll shall have been equalized, and the annual levy made thereon, the city clerk shall immediately make out a tax list, which shall be as nearly as practicable in the

form prescribed by law for the tax list to be furnished county treasurers, and he shall deliver such tax list to the city treasurer on or before the first day of October next, after the date of the levy in each year; errors in the names of persons assessed may be corrected by the treasurer, and the tax collected from the person intended, and in case the treasurer find Treasurer may correct errors. that any land has been omitted in the assessment, he shall report that fact to the council, who may assess the same and direct the correction of the tax list.

SEC. 52. [*Taxes, delinquent.*].—On the first Taxes, delinquent when. day of January next succeeding the levy thereof, all unpaid city taxes shall be and become delinquent, and shall thereafter draw interest at the rate of one per centum per month, which interest shall be collected the same as the tax so due, and it shall be the duty of the city treasurer to proceed, as soon as practicable, after the first day of January, to make such delinquent tax out of the personal property of such delinquent if any such property can be found within the city; no demand of taxes shall be necessary, but it shall be the duty of every person owing any municipal tax or taxes in such city, to attend at the treasurer's office and pay the same.

SEC. 53. [*Tax warrant.*].—To each tax list Tax warrant, form of. so delivered, a warrant under the hand of the city clerk shall be annexed, to be substantially in the following form, to-wit:

In the name and by the authority of the state of Nebraska: 'To, city treas-

urer of the city of....., in Nebraska: You are hereby commanded to collect from each of the persons and corporations named in the annexed tax list, and the owners of the real estate described therein, the taxes set down in such list opposite their respective names, and the several parcels of land described therein; and in case any person or corporation upon whom any such tax or sum is imposed, or who by law is required to pay the same, shall refuse or neglect to pay the full amount thereof, before the first day of January next, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed as are by law required to pay such tax.

Given under my hand and official seal this
.....day of..... A. D., 183..

.....
City Clerk of the city of.....

Same, power of
treasurer.

SEC. 54. [*Treasurer, power of.*].—Such warrant shall fully authorize and empower the city treasurer to levy on any personal property belonging to any such delinquent and collect therefrom any municipal taxes then due from such delinquent, and such warrant shall be a full and complete justification to the treasurer in any action brought to recover damages or costs for any act or proceeding by him done or taken in conformity with the commands thereof.

Fees.

SEC. 55. [*Same.*].—The powers, rights, duties and proceedings of the city treasurer in cities governed by this act, and of such deputies as

he may appoint, shall in all respects, as far as applicable, and except as herein otherwise provided, be the same in respect to the collection of municipal taxes and assessments as those of county treasurers in like cases with reference to the collection of county taxes; and he shall be paid fees of one and one-half per centum of all taxes collected by him, not to exceed twelve hundred dollars per year, as before limited.

SEC. 56. [*Taxes, property liable.*]Taxes, collection of. What property liable.—All municipal taxes shall be collected from the personal property of the person, persons, or body corporate owning the same, whenever the same is practicable, and whenever personal property cannot be found belonging to such person, persons, or bodies corporate, then, and in that case, all such delinquent municipal taxes as may have been levied on any real estate within such city shall be collected by the county treasurer of the county in which such city is situated, by sale of such real estate the same as in the case of delinquent county taxes.

SEC. 57. [*Same, ordinances for collecting.*]Same, ordinances.—The mayor and council shall have full power and authority to pass any and all ordinances not inconsistent with the laws of this state that they may deem necessary to secure the speedy and through collection of all municipal taxes and special assessments.

SEC. 58. [*Same—How paid.*]Taxes, how paid.—All municipal taxes and all local special assessments in such city shall be paid in cash and warrants of said city drawn on the fund for which the same is offered.

Provided, That coupons on any bonds of such city shall be received for any tax or assessment.

Same, sale of
real estate, how
made.

SEC. 59. [*Same—Realty—Sale of.*—It shall be the duty of the city treasurer, on or before the fifteenth day of September of each year, to make out a complete delinquent list of all lots, lands or parcels of real estate, the taxes and assessments on which for the previous year remain uncollected at that time, with the amount of such taxes or assessments, together with penalty and interest due from each lot or parcel of real estate set opposite the same, arranging the several lots, lands or parcels of real estate in such list in the order that they appear on the tax lists, stating also in each case the purpose for which the tax or assessment was levied. The county treasurer shall receive such delinquent list and advertise the real estate therein described for sale for such delinquent taxes, or assessments, at the same time he advertises the sale of real estate for delinquent county taxes, by adding the amount of such delinquent city taxes and assessments to the amount of delinquent state, county and other taxes, and he shall sell such lots, lands or parcels of real estate for the purpose of paying all such delinquent taxes or assessments, and shall credit such city for the amount of taxes or assessments so collected, which shall be subject to the order of the treasurer of such city. In the sale of any real estate as above provided for, and in the giving of certificates of sale and tax deeds therefor the county treasurer shall proceed in

the same manner as is or may be provided by law for his proceedings in the sale of real estate for delinquent county taxes, and with like power and authority; and the real estate so sold may be redeemed within the time and upon the same terms and conditions in every respect as is or may be provided by law for the redemption of real estate sold for delinquent county taxes.

Provided, That under this act the county treasurer shall be authorized to collect only by sale of real estate; and,

Provided, further, It shall be the duty of the city treasurer upon any taxes being collected by him after the delinquent tax list shall have been delivered to the county treasurer to forthwith notify the county treasurer of such collection that the same may be canceled on the delinquent tax list;

Provided, further, That the failure, neglect or refusal of the city treasurer to make the tax assessed against any real estate by distress and sale of the personal property of the owners thereof, shall not in any wise affect or invalidate the sale of such lands for such tax.

SEC. 60. [*Tax liens.*]^{Liens.}—Special assessments upon real estate shall be a lien from the date of the levy, and interest on all unpaid installments shall be payable annually, and municipal taxes thereon from the date fixed by the general revenue law, which lien shall be perpetual; and in case of sale of any property for such tax or special assessment, the same shall be governed by the general revenue act,

and the rights and limitations shall be the same as in other tax sales, except as provided in this act.

Irregularities
do not invali-
date sale.

SEC. 61. [*Assessments—irregularities.*— Irregularities in making assessments and returns thereof, in the equalization of assessments and in the mode and manner of advertising the sale of any property, shall not invalidate or affect the sale thereof, when advertised and sold for delinquent city taxes or special assessments as herein provided; nor shall the sale of any real estate for any such taxes or assessments be invalid on account of such real estate having been listed in any other name than that of the rightful owner.

Same, re-levy.

SEC. 62. [*Same—re-levy—irregularities.*— The foregoing provisions shall apply to all taxes now due or heretofore delinquent, or that may hereafter become due and delinquent. Whenever any municipal tax or taxes levied for any former year shall remain uncollected because of any defect, error or irregularity in either the power or manner of making the levy thereof, it shall be lawful for the mayor and council of such city to again levy the tax upon the property so delinquent, in lieu of such former tax or taxes, and at the same rate and upon the same assessment as such former tax or taxes were levied, and such tax or taxes shall be inserted in the tax list and shall be collected in the same manner as other general taxes are. The city council may at any time correct any error or defect or supply any omission in the assessment or listing of any property subject to

Council may
correct assess-
ments.

municipal tax, made for the purpose of taxation for the then current fiscal year, and may require any and all persons to appear and answer under oath as to their possession or control of personal property subject to municipal taxation. These provisions shall apply equally to general municipal taxes and to special assessments, as far as may be applicable, unless otherwise provided in the ordinance levying the same. Special taxes and assessments, shall, except deferred yearly installments for paving purposes, be deemed delinquent if not paid in fifty days Special taxes, delinquent when. after the passage and approval of the ordinances levying the same in each case, and a penalty of five (5) per cent., together with interest at the rate of one (1) per cent. a month shall be paid on all delinquent special taxes or assessments from the time the same shall become delinquent.

SEC. 63. [*Same — county treasurer.*] — The treasurer of the county shall pay over on demand to the treasurer of any city all money received by him arising from taxes levied belonging to such city, together with all money collected as a tax on dogs from the residents of such corporation, for the use of the general fund therein, and also all moneys arising from the levy of the road tax against or upon property in said city, which shall be expended upon the streets and grades in said city. County treasurer must pay over taxes collected, when.

SEC. 64. [*Treasurer's books.*] — The city treasurer shall receive all moneys belonging to the city, and the clerk and treasurer shall keep their books and accounts in such a manner as Treasurer and clerk to keep books, how.

the mayor and council shall prescribe. The treasurer shall keep a daily cash book, which shall be footed and balanced daily. And such books and accounts shall always be subject to inspection of the mayor, members of the council and such other persons as they may designate.

Public money
must be kept
separate, how.

SEC. 65. [*Public moneys; removal of the treasurer.*]

—The treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys and he is hereby expressly prohibited from using either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever. Any violation of this provision shall subject him to immediate removal from office by the city council, who are hereby authorized to declare such office vacant; and the city council shall appoint a successor, who shall hold his office for the remainder of the unexpired term of such officer so removed.

Removal from
office.

Annual report.

SEC. 66. [*Treasurer, annual report.*]

—The treasurer shall report to the mayor and council annually, and oftener if required, at such time as may be prescribed by ordinance, a full and detailed account of all receipts and expenditures during the preceeding fiscal year, and the state of the treasury. He shall also keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and the persons to whom paid, specifying also the time of payment, and all such war-

Register of
warrants.

rants shall be examined by the finance committee at the time of making such annual report.

SEC. 67. [*Ordinances, powers.*]Special powers by ordinances.—In addition to the powers herein granted cities governed under the provisions of this act shall have power by ordinances:

I. To levy taxes.—To levy taxes for general revenue purposes on all property within the limits of said city, taxable according to the laws of the state of Nebraska.

II. Same, special assessments. — To levy any other tax or special assessment authorized by law, and to appropriate money and provide for the payment of the debts and expenses of the city.

III. Streets, grades and repairs. — To provide for the grading and repairing of any street, avenue or alley, and the construction of bridges, culverts, viaducts and sewers, and shall defray the repairs of the same out of the proper fund of such city; but no street shall be graded except the same be ordered done by the affirmative vote of two-thirds of the city council.

IV. Same, care for, control, name and re-name.—To open, widen or otherwise improve, vacate, care for, control, name and re-name any street, avenue, alley or lane, parks and squares, within the limits of the city, and also to create, open and improve any new street, avenue, alley or lane;

Provided, That all damages sustained by the the owners of the property thereon shall be ascertained in the manner herein provided.

Provided, further, that whenever any street, alley or lane shall be vacated, the same shall revert to the owners of the adjacent real estate one-half on each side thereof.

V. [Same, sprinkling.]—On written petition of not less than one-half of the owners of feet front of the land fronting on any street or any specified part thereof, the mayor and council may order such street or such specified part thereof to be sprinkled with water at such time or times as the council may deem proper. Such sprinkling shall be done by contract, awarded to the lowest bidder in each case, or for the entire city or specified district thereof. To pay the expense of such sprinkling, the council may make special assessments upon the lands abutting upon such street or specified part thereof, either on the valuation thereof, or listed for taxation, or by foot front. Such assessments shall be collected by special taxes.

VI.—[Same, side-walks.]—The council shall have power to set aside a space, to be designated as the side-walk space, on each side of all streets and avenues, for side-walks and the planting of trees and grass and may require and regulate the planting and protecting of the trees and grass and the construction of side-walks in such space. Such space shall extend from lot line to curb.

Grade.

Whenever any street or avenue shall have been brought to the established grade or permanently improved, the council may require the owners of real estate adjacent thereto, to bring the side-walks space along or in front of

such real estate to the established grade and to lay a side-walk thereon of such width and material as the council may determine, and in case any such property owner shall refuse and neglect to cause such grading to be done or side walk constructed, within thirty days after being notified in the manner prescribed by ordinance, the council may order said grading to be done and said side-walk constructed, and assess the cost thereof against the real estate in front of which the said work was done.

The council may by ordinance provide for the laying of temporary plank side walks upon the natural surface of the ground upon streets not brought to the established grade, and in case of refusal or neglect of any property owner, in front of or along the side of whose lot such side-walk may be ordered, to construct the same within thirty days after being served with notice in the manner prescribed by ordinance, the council may cause the same to be constructed and assess the cost thereof on the property in front of which the same shall be laid.

All grading and construction of side-walks done as provided in this subdivision, shall be done by contract with the lowest responsible bidder, to be determined by the council, provided, that the council may, at the beginning of each municipal year, contract with the lowest responsible bidder for all of such work that may be ordered during that year. The cost of such work shall be paid in the first instance, out of the general fund of such city.

In case any property owner shall refuse or neglect to repair the side-walk adjacent to his property within two (2) days after being notified so to do in the manner prescribed by ordinance, the proper officer may cause said side-walk to be repaired and shall report the cost thereof to the council, when the same may be assessed against such property.

The cost of grading side-walk space, and the construction or repair of side-walks as herein provided, shall be assessed at a regular meeting of the council, by a resolution fixing the cost of such grading, construction or repairs along the lot adjacent thereto, as a special assessment thereon, and the amount charged against the same, with the vote thereon by yeas and nays, shall be spread at length upon the minutes. Notice of the time of holding such meeting, and the purpose for which it is held, shall be published once in some newspaper published and of general circulation in said city, at least five days before the same shall be held, or in lieu thereof, personal service may be had upon the persons owning the property to be assessed.

Side-walk
assessments.

All such assessments shall be known as special side-walk assessments, and, with the cost of notice, shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, subject to the same penalties, and collected in like manner as other city taxes, but such special assessment shall draw interest at one per cent. per month. The same shall be certified by the city clerk to the city

treasurer, who shall place the same on the tax list of the current year against such property.

It is hereby made the duty of all real estate owners to keep the side walk along side or in front of the same, in good repair and free from snow and ice and other obstructions, and they shall be liable for all damages or injuries occasioned by reason of the defective condition of any such side-walk. Owners of real estate to keep walks in repair.

VII. License, business.—To raise revenue Occupation tax. by levying and collecting a license tax on any corporation or business within the limits of the city, and regulate the same by ordinance, except as otherwise in this act provided. All such taxes shall be uniform in respect to the class upon which they are imposed; *Provided, however,* that all scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and all other musical entertainments given exclusively by the citizens of the city.

VIII. Same, dogs.—To regulate, license or Dog tax. prohibit the running at large of dogs, and guard against injuries or annoyances therefrom and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance.

IX. Streets, obstructions to.—To remove all obstructions from the side-walks, curbstones, gutters and cross-walks at the expense of the owners or occupiers of the grounds fronting thereon, or at the expense of the person placing the same there, and to regulate the building of

bulk-heads, cellars and basement ways, stairways, railways, window and door ways, awnings, hitching posts and rails, lamp posts, awning posts, and all other structures projecting upon or over an adjoining excavation through and under the side-walks in said city.

X. Same, horses standing.— To compel persons to fasten their horses (or other animals) attached to vehicles while standing in the streets and provide penalties for the neglect thereof.

XI. Same, regulate traffic. To regulate the transportation of articles through the streets, and to prevent injuries to the streets from over-loaded vehicles.

XII. Same, obstructions, fast driving, etc. To prevent and remove all encroachments into and upon all sidewalks, streets, avenues, alleys, and other city property, and to prevent and punish all horse-racing, fast driving, or riding in the streets, highways, alleys, bridges, or place in the city, and all games, practices, or amusements therein likely to result in damage to any person or property; to regulate, prevent and punish the riding, driving, or passing of horses, mules, oxen, cattle or other teams or any vehicle drawn thereby, over, upon, or across sidewalks or along any street of the city; to regulate and prevent the use of street, sidewalks and public grounds for signs, sign posts, awnings, telegraph, telephone or other poles, racks, bulletin boards, and the posting of hand-bills and advertisements; to regulate traffic and sales upon the street, sidewalks, and public places;

to punish and prohibit cruelty to animals; to regulate and prevent the moving of buildings through or upon the streets.

XIII. Same, lighting and gas.—To make contracts with and authorize any person, company, or association to erect gas works, electric or other light works, in said city, and give such persons, company, or association the privilege of furnishing light for the streets, lanes and alleys of said city, for any length of time not exceeding five years.

XIV. Same, regulate laying mains.—To provide for the lighting of streets, laying down of gas pipes, and erection of lamp posts, and to regulate the sale and use of gas, and electric or other lights, the charge therefor, and the rent of gas-meters within the city, and to require the removal from the streets, avenues and alleys, and the placing under ground of all telegraph, electric and telephone wires.

XV. Same—depots—street railroads.—To regulate levees, depots, depot grounds and places for storing freight and goods, and to provide for and regulate the passage of railways through the streets and public grounds of the city, reserving the rights of all persons injured thereby.

XVI. Railways, regulate.—To regulate the crossing of railway tracks, and to provide precautions and prescribe rules regulating the same, and to regulate the running of railway engines, cars and trucks within the limits of said city, and prescribe rules relating thereto, and govern the speed thereof, and to make any

Railways, regulation of.

Lighting
ways.

Flagmen.

other and further provisions, rules and restrictions to prevent accidents at the crossings and on the tracks of railways, and to prevent fires from engines, and to regulate and prescribe the manner of running street cars, to require the heating and cleaning of the same, and to fix and determine the fare charged. To require the lighting of any railway within the city, the cars of which are propelled by steam, in such manner as they shall prescribe, and fix and determine the number, style and size of the lamp posts, burners, lamps and all other fixtures and apparatus necessary for such lighting, and the points of location for such lamp posts, and in case the owner owning or operating such railway shall fail to comply with such requirements, the council may cause the same to be done and may assess the expense thereof against such company, and the same shall constitute a lien on any real estate belonging to such company, and being within such city, and may be collected in the manner as taxes for general purposes; to require railroad companies to keep flagmen at all railroad crossings of streets, and to provide protection against the injury to persons and property in the use of such railroads; to compel any railroad to raise or lower their railroad tracks, to conform to the general grade which may at any time be established by such city, and where such tracks run lengthwise through or over any street, alley, or highway, to keep the same level with the street surface; to compel and require railroad companies to keep open the

streets, and to construct and keep in repair ditches, drains, sewers and culverts, along and under their railroad tracks, and to pave their whole right of way on all paved streets, and keep the same in repair.

XVII. Eminent domain.—To exercise the power of eminent domain and to take private property for public use, within or without the city, for the purpose of erecting or establishing market houses and market places, streets, hospitals, public buildings, cemeteries, or for any necessary or authorized public purpose. *Provided*, however, that in all cases, the city shall make the person or persons whose property shall be taken or injured thereby adequate compensation therefor, to be determined by proceedings instituted in the county court and conducted as by law provided for condemnations by railway companies.

To condemn private property for public use, how.

XVIII. Libraries, reading rooms.—To establish and maintain public libraries and reading rooms, to purchase books, papers, maps and manuscript therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise, and pass necessary by-laws and regulations for the protection and government of the same.

XIX. Parks, public grounds.—To purchase, hold and improve public grounds and parks within or without the limits of the city, and provide for the protection and preservation of the same, and to provide for the planting and protection of shade or ornamental and useful trees. *Provided*, that in case the cost of any

such improvement shall exceed the sum of \$5,000 it shall not be authorized until the ordinance providing therefor shall first be submitted to and ratified by a majority of the legal voters voting thereon.

XX. Borrow money.—To borrow money on the credit of the city and to pledge the credit, revenue and public property of the city for the payment thereof, when authorized in the manner herein provided.

XXI. Issue bonds.—To provide for issuing bonds for the purpose of funding any and all indebtedness now existing or hereafter created of the city, now due or to become due, when the same shall have been authorized by a vote of the people; *Provided*, That the mayor and council shall not fund any bonded debt at a higher rate. Such bonds shall be redeemable after 10 years, at the option of the city.

XXII. Sinking fund.—To make provisions for a sinking fund to pay accruing interest, and to pay at maturity the principal of the bonded indebtedness of the city, and to levy and collect taxes on all taxable property in the city, in addition to other taxes, for the purpose of paying the same, and to provide that the said tax shall be paid in cash; and whenever any city has heretofore issued bonds by virtue of any special authority derived from the legislature of the territory or state, the council shall have the power to levy and collect taxes for the purpose of paying such bonds as is provided in the laws giving such authority.

XXIII. Wards.—To divide the city into wards, establish the boundaries thereof and number the same.

XXIV. Elections.—To provide for the reg-^{Registration of voters.}
istration of voters, and may prohibit persons from voting at any or all city elections who shall not have first complied with such regulations and have been registered as required by such ordinance. Such ordinance or ordinances may be repealed, re-enacted, and amended from time to time, as in other cases; *Provided*, That the registration of the last general election shall be valid for any special election. To appoint judges and clerks of elections provided by ordinances for the election of city officers, and prescribing the manner of conducting the same, and the returns thereof, and for deciding contested elections, and for holding special elections for any purpose herein provided, and to fix a compensation of all officers of election. To regulate the holding of primary elections,^{Primary elections.} at which no person shall be permitted to vote except such person be an elector of the city and affiliated with the political party holding such primary election at the last prior general election. That judges at such primary elections shall be sworn and may administer oaths, and that any person violating the regulations so established or who, being disqualified, shall vote at such primary election, or who shall aid, counsel or abet any disqualified person in voting thereat, may be fined in any sum not ex-^{Penalty for illegal voting.}ceeding one hundred (100) dollars and shall stand committed until such fine and costs are

paid, and shall be disqualified to vote at any city or primary election for the period of one year thereafter.

XXV. Officers, removals.—To provide for removing officers of the city for misconduct, whose offices are created and made elective by this act, and to provide for filling such vacancies as may occur in any elective office by appointment by the mayor, by assent of the council, to hold until the next general election.

XXVI. Officers, regulate powers and compensation.—To regulate and prescribe the powers and duties and the compensation of the officers of the city not herein provided for.

XXVII. Official bonds.—To require all officers or servants, elective or appointed in pursuance of this act, except police officers to give bond and security for the faithful performance of their duties. No officer shall become security upon the official bond of another or upon any contractor's bond, license or appeal bond given to the city, or under any ordinance thereof, or from convictions in the police court.

XXVIII. Reports.—To require from any officer of the city at any time a report in detail of the transactions in his office or of any matters connected therewith.

XXIX. Census.—To provide for and cause to be taken, the census of the city.

XXX. Market houses and places.—To purchase and own grounds for, and to erect and establish market houses and market places, and to regulate and govern the same, to prescribe

the fees to be charged persons for stalls therein; *Provided*, That the revenue so derived shall be applied, First, to the payment of the salaries of officers appointed to take charge of said market house; Second, to the payment of repairs of said market house, and Third, to the payment of the cost of erecting said market house; and after all salaries, repairs and costs of construction have been paid, the surplus, if any remaining, shall be disposed of as the council shall direct, and also to contract with any person or persons, or association of persons, companies or corporations for the erection and regulation of said market houses and market places, on such terms and conditions and in such manner as the council may prescribe, and raise all necessary revenue therefor as herein provided; and they may locate such market houses and market places and buildings aforesaid on any streets, alleys or public grounds, or on any land purchased for such purpose; and to provide for the erection of all other useful and necessary buildings for the use of the city, and for the protection and safety of all property owned by the city; *Provided*, That any such improvement costing in the aggregate a sum greater than five thousand dollars shall not be authorized until the ordinance providing therefor shall be first submitted to and ratified by a majority of the legal voters voting thereon.

XXXI. Water tax.—To fix the rate of tax to be paid for the use of water furnished by the

city, or any person or corporation by means of water works.

XXXII. Water ways.—To establish, alter and change the channel of water courses, and to wall and cover them over, to establish, make and regulate public wells, cisterns, aqueducts, and reservoirs of water, and to provide for filling the same.

Fire Department.

XXXIII. Fire.—To provide for the organization of a fire department, to procure fire engines, hooks, ladders, buckets and other apparatus, and to organize fire engine, hook and ladder and bucket companies, and to prescribe rules of duty and the government thereof, with such penalties as the council may deem proper, not exceeding one hundred dollars, and to make all necessary appropriation therefor, and to establish regulations for the prevention and extinguishment of fires. To prescribe limits within which no building shall be constructed except of brick, stone or other incombustible material, with fire-proof roof, and to impose a penalty for the violation of such ordinance, and to cause the destruction or removal of any building constructed or repaired in violation of such ordinance; and after such limits are established no special permits shall be given for the erection or reparation of buildings of combustible material. To regulate the construction and inspection of and order the suppression of and cleaning of fire-places, chimneys, stoves, stove-pipes, over boilers, kettles, forges, or any apparatus used in any building, manufactory, or business which may be dangerous in causing

Fire limits.

or promoting fires, and to prescribe limits within which dangerous or obnoxious and offensive business may not be carried on.

XXXIV. Weights and measures.—To establish standard weights and measures, and regulate the weights and measures to be used in the city, and to regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided by law, and to prohibit and punish the use of imperfect weights, measures, and weighing apparatus.

XXXV. Same, inspection.—To provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal and wood; to fix the fees and duties of persons authorized to perform such duties.

XXXVI. Fines, penalties, forfeiture.—To impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment, to provide for confinement in the city prison, or to hard labor in the city upon the streets or elsewhere, for the benefit of the city.

XXXVII. Suppress indecencies.—To restrain, prohibit, and suppress unlicensed tippling shops, billiard tables, bowling alleys, and houses of prostitution, opium joints, dens, and other disorderly houses and practices, games and gambling houses, desecration of the Sabbath day, commonly called Sunday, and to prohibit all

public amusements, shows, exhibitions, or ordinary business pursuits upon said day, and all lotteries or fraudulent devices and practices for the purpose of obtaining money or property, and all shooting galleries and all kinds of public indecencies.

XXXVIII. Disorderly assemblies.—To prevent and restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city; to regulate, punish, and prevent the discharge of fire-arms, rockets, powder, fire-works, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any buildings, to regulate, prevent, and punish the carrying of concealed weapons; to arrest, regulate, punish, fine, or set at work on the streets or elsewhere, all vagrants and persons found in said city without visible means of support or some legitimate business; to regulate and prevent the transportation of gunpowder or other explosive or combustible articles, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, dynamite, petroleum or any of the productions thereof, and other material of like nature, and the use of lights in stables, shops, or other places, and the building of bonfires; to regulate and prohibit the piling of building material, or any excavation or obstruction in the street.

XXXIX. Same.—To provide for the punishment of persons disturbing the peace and good order of the city by clamor and noise, by intoxication, drunkenness, fighting, or using ob-

scene or profane language in the streets or other public places, or otherwise violating the public peace by indecent and disorderly conduct or by lewd or lascivious behaviour.

XL. Vagrants, tramps.—To provide for the punishment of vagrants, tramps, or common street beggars, common prostitutes, habitual disturbers of the peace, pickpockets, gamblers, burglars, thieves, watch stuffers, ball game players, persons who practice any game, trick, or device with intent to swindle; persons who abuse their families, and suspicious persons who can give no reasonable account of themselves.

XLI. Drainage.—To require any and all lots or pieces of ground within the city to be drained or filled, so as to prevent stagnant water or any other nuisance accumulating thereon, and upon the failure of the owners of such lots or pieces of ground to fill or drain the same when so required, the council may cause such lots or pieces of ground to be drained or filled, and the cost and expense thereof shall be levied upon the property so filled or drained, and collected as any other special tax.

XLII. Nuisance.—To prevent any person from bringing, having, depositing, or leaving upon or near his premises, or elsewhere within the city, any dead carcass or putrid beef, pork, fish, hides, or skins of any kind, or any other unwholesome substance, and to compel the removal of the same.

XLIII. Regulate halls, churches, etc.—To regulate, license, or suppress halls, opera houses, churches, places of amusement, enter-

Fire escapes.

Penalty for
violation of
ordinances.

tainment, or instruction, or other building used for the assembly of citizens, and to cause them to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire, and for escape from such place in case of fire, and to prevent the over-crowding, and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens; or other appliances therein, and to provide that for any violation of any such regulation a penalty of two hundred dollars shall be imposed, and that upon conviction of any such licenses of any violation of any ordinance regulating such places, the license of any such place shall be revoked by the mayor and council; and whenever the mayor and council shall by resolution declare any such place to be unsafe, the license thereof shall be thereby revoked, and the council may provide that in any case where they have so revoked a license, any owner, proprietor, manager, lessee, or person opening, using or permitting such place to be opened or used for any purpose involving the assemblage of more than twelve persons, shall upon conviction thereof be deemed guilty of a misdemeanor, and fined in any sum not exceeding two hundred dollars.

XLIV. Same, construction of buildings.—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and prescribe the number and construction of means of exit and entrance, and the

number and construction of fire escapes, and to require the keeper or proprietor of any hotel boarding house or dormitory to provide and maintain such sufficient and such number of ladders, ropes, balconies, and stairways, and other appliances as by ordinance may be prescribed to facilitate the escape of persons from any such building in case of fires.

XLV. Domestic animals.—To regulate or prohibit the running at large of cattle, hogs, horses, mules, sheep, goats, dogs, and other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibitions, and the fees and expense of impounding and keeping the same, and of such sale.

XLVI. Pounds.—To provide for the erection of all needful pens, pounds and buildings for the use of the city, within or without the city limits, and to appoint and compensate keepers thereof, and establish and enforce rules governing the same.

XLVII. Auctions. — To regulate, license or prohibit the sale of domestic animals, or of goods, wares and merchandise, at public auction on the streets, alleys, highways, or any public grounds within the city; to regulate or license the auctioneering of goods, wares and merchandise.

XLVIII. Contagious diseases. — To make regulations to prevent the introduction of contagious, infectious or malignant diseases into the city, and to create a board of health to

make quarantine laws for that purpose and enforce the same within five miles of the city.

XLIX. Work houses, etc.—To erect, establish and regulate work houses and poor houses, houses of correction, jails, station houses, and other necessary buildings, and to provide for the government and support of the same.

L. Health.—To make regulations to secure the general health of the city; to prescribe rules for the prevention, abatement and removal of nuisances; to make and prescribe regulations for the construction, location and keeping in order of all slaughter houses, stock yards, ware houses, stables, or other places where offensive matter is kept or is likely to accumulate within the corporate limits or within five miles thereof.

LI. Cemeteries.—To purchase, hold, and pay for, in the manner herein provided, lands not exceeding eighty acres, in one body, outside of the limits of such city, for the purpose of the burial of the dead, and all necessary grounds for hospital grounds and water works, and to have and exercise police jurisdiction over the same, and over any cemetery lying near said city, and used by inhabitants thereof.

LII. Same.—To survey, plat, map, grade, fence, ornament and otherwise improve all burial and cemetery grounds, and avenues leading thereto owned by such city; to construct walks, rear and protect ornamental trees therein, and provide for paying the expenses thereof.

LIII. Same. — To convey cemetery lots owned by such city, by certificates, signed by

the mayor, and countersigned by the clerk under the seal of the city, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number as laid down on such plat or map, for the purpose of interment, and such certificate shall vest in the proprietor, his or her heirs and assigns, a right in fee simple to such lot for the sole purpose of interment, under the regulation of the city council, and such certificate shall be entitled to be recorded in the office of the register of deeds of the proper county without further acknowledgement, and such description of lots shall be deemed and recognized as a sufficient description thereof.

LIV. Same, lots.—To limit the number of cemetery lots which shall be owned by the same person at the same time; to prescribe rules for inclosing, adorning and erecting monuments and tomb-stones on cemetery lots; to prohibit any diversion of the use of such lots and any improper adornment thereof, but no religious test shall be made as to the ownership of lots, the burial therein, or the ornamentation of graves or lots.

LV. Same, rules.—To pass rules and ordinances imposing penalties and fines not exceeding one hundred dollars, regulating, protecting and governing the cemetery, the owners of lots therein, visitors thereof, and trespassers therein. And the officers of such city shall have as full jurisdiction and power in the enforcing of such rules and ordinances as though they related to the city itself.

LVI. Same, regulate.—To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of the state as may be expedient, in addition to the special powers in this section granted, maintaining the peace, good government and welfare of the city, and its trade, commerce and manufactories, and to enforce all ordinances by inflicting penalties for the violation thereof not exceeding one hundred dollars for any one offense, recoverable with costs, together with judgment of imprisonment, until the amount of said judgment and cost shall be paid.

LVII. Council, president of.—To elect one of their own body, who will be styled the "President of the Council," and who shall preside at all meetings of the council in the absence of the mayor; and in the absence of the mayor and president, to elect one of their own body to occupy his place temporarily, and who shall be styled "Acting President of the Council;" and the president or acting president, when occupying the place of mayor, shall have the same privileges as other members of the council, and all acts of the president or acting president while so acting, shall be as binding upon the council and upon the city as if done by the mayor.

LVIII. Ordinances, revision of.—To provide for the revision of the ordinances from time to time and for their publication in pamphlet or book form, with or without the statutes relative to cities governed by this act.

LIX. Hospitals.—To purchase or otherwise

acquire ground for, and erect, establish, regulate and repair, a city hospital, and when authorized thereto by a vote of a majority of the electors at any election, may issue bonds of the city for an amount not exceeding in any one year the sum of \$10,000 for that purpose.

LX. Same, management of.—The management, direction and control of such hospital, when completed and ready for use, and the furnishing thereof, shall be vested in a board of commissioners, called the "Board of Hospital Commissioners," subject to the ordinances of the council.

Such board shall consist of the mayor, who shall by virtue of his office be its president, and one trustee from each ward, appointed by the mayor with the consent of the council, each of which commissioners shall be a resident freehold elector of the city, and they shall not receive any compensation for their services. The term of the appointed members of the board shall be three years, but when any such board is first organized the mayor shall appoint two members for one year, two for two years, and two for three years respectively, and thereafter two members shall be appointed each year for the full term of three years. A majority of the board shall constitute a quorum.

LXI. Meetings.—The board shall hold regular meetings at such time and place as may be agreed upon, and cause to be kept a full record of its proceedings. It shall have power to employ a superintendent, steward and nurses and such other employees as the council may

provide. The steward shall act as clerk of the board. The compensation of all employes shall be fixed by the mayor and council, and the board shall have power to contract for all necessary supplies for such hospital.

LXII. Rules.—The board shall establish such rules for the government of such hospital and the admission of persons to its privileges as it may deem expedient. It shall also appoint a corps of four physicians and four surgeons, who shall be removable at the pleasure of the board and who shall be qualified and reputable members of their profession, and who shall receive no compensation. One of said physicians and surgeons shall be in daily attendance for three months in succession of each year, and meetings of the full corps for consultation shall be held whenever deemed necessary by the member then in attendance. No religious or sectarian association, organization or body shall be permitted to manage or control said hospital.

May contract
with charitable
associations to
maintain hos-
pital.

LXIII. The council may enter into an agreement with a corporation or association, organized for charitable purposes in such municipal corporation, for the erection and management of a hospital for the sick and disabled, and have a permanent interest therein, to such an extent and upon such terms and conditions as may be agreed upon between the council and such corporation or association. And the council shall provide for the payment of the amount agreed upon, for any interest therein so acquired, either in one pay-

ment or in installments, or so much from year to year, as the parties may stipulate.

Provided, such agreement shall not be made if the city shall have exercised the powers conferred by the preceeding subdivisions of this section and established a hospital as therein provided.

SEC. 69. [*Paving.*].—The council shall have ^{Paving.} power to open, extend, widen, narrow, grade, curb, gutter and pave, or otherwise improve and keep in good repair, or cause the same to be done, in any manner they may deem proper, any street, avenue or alley within the limits of the city, and may grade partially or to the established grade, or part, or otherwise improve any width or part of any such street, avenue or alley, and to defray the cost and expense of such improvements or any of them, the mayor and council of such city shall have power and authority to levy and collect special ^{Special taxes.} taxes and assessments upon the lots and pieces of ground adjacent to or abutting upon the street, avenue or alley, thus in whole or in part opened, widened, curbed and guttered, graded, parked, extended, constructed or otherwise improved or repaired, or which may be specially benefitted by any of said improvements.

Provided, that the above provisions shall not ^{Ordinary repairs do not apply.} apply to ordinary repairs of streets or alleys;

Provided, further, that where any street is to be graded under the provisions of this section, but not to the established grade, it shall be done only after the owners representing a ma-

jority of the front feet of the property abutting on the part of such street to be so partially graded shall have petitioned the city council for such work to be done.

Provided, further, That curbing and guttering shall not be ordered or required to be laid on any street avenue or alley not ordered to be paved, except on a petition of a majority of the owners of the property abutting along the line of that portion of the street, avenue or alley to be curbed and guttered.

Paving districts.

The mayor and council of any city government by this act shall have power to pave, repave or macadamize any street or alley or part thereof in any city, and for that purpose to create suitable paving districts, which shall be consecutively numbered, such work to be done under contract and under the superintendence of the board of public works of the city. Such work shall be ordered done only after the owners of lots or lands abutting upon the streets or alleys within any paving district, representing a majority of front feet thereon, shall have petitioned the council to pave, repave or macadamize such streets or alleys, and in all cases of paving, re-paving or macadamizing there shall be used such material as such majority of owners shall determine upon.

Petition for grade.

Owners to designate material to be used.

Provided, The council shall be notified in writing by said owners of such determination within thirty days next after the passage and approval of the ordinance ordering such paving, re-paving or macadamizing. In case such owners fail to designate the material they desire used

in such paving, re-paving or macadamizing, in the manner and within the time provided above, the mayor and council shall determine upon the material to be used.

The cost of grading, paving, macadamizing or re-paving the streets and alleys within any paving district, except the intersection of streets and space opposite alleys within such districts, shall be assessed upon the lots and lands especially benefitted thereby in such district, in proportion to such benefits, to be determined by the mayor and council under the provisions of this act.

The assessment of the special taxes for paving purposes herein provided for shall be made as follows:

The total cost of the improvement shall be levied at one time upon the property, and become delinquent as hereinafter provided:

One-tenth (1-10) of the total amount shall become delinquent in fifty (50) days after such levy, one-tenth (1-10) shall become due in one year, one-tenth (1-10) in two years, one-tenth (1-10) in three years, one-tenth (1-10) in four years, one-tenth (1-10) in five years, one-tenth (1-10) in six years, one-tenth (1-10) in seven years, one-tenth (1-10) in eight years, one-tenth (1-10) in nine years. Each of said installments, except the first, shall become delinquent fifty (50) days after becoming due, and shall draw interest at the rate of seven per cent. per annum from the time of the levy aforesaid, payable annually until the same shall become delinquent, and after the same shall become de-

Tax delinquent, when.

linquent a penalty of five per cent. together with interest at the rate of one per cent. a month, shall be paid thereon as in the case of other special taxes.

The council shall have power to require owners of real estate adjacent to any street about to be paved, to lay service pipe to connect such real estate with city water mains and in case any such owner shall neglect or refuse to lay the same before such paving is laid, the council may cause such service pipe to be laid, and assess the cost thereof against the lot to which the same is laid, in the same manner as assessments for side walks. Such taxes shall be collected and enforced as in other cases of special taxes.

May seize personal property, when.

In all cases of special taxes, the city treasurer shall have the right and authority, after the same or any part thereof shall have become delinquent, to seize personal property of the person who owns the real estate upon which such taxes have been levied, and to sell such personal property for the satisfaction of such taxes, upon the same advertisement and in the same manner that constables are now authorized by law to seize and sell personal property upon execution; but failure to seize or subject personal property shall in no wise effect the lien of the tax or any proceedings authorized by law to enforce the tax. In case of omissions, errors or mistakes in making such assessments or levy in respect to the total cost of the improvement, or deficiencies or otherwise, it shall be competent for the council to make a supplemental

Supplemental assessments.

assessment and levy to supply such deficiencies, omissions, errors or mistakes.

The cost of grading, paving, macadamizing ^{Railway companies to pave, where.} or repaving the intersections of streets and spaces opposite alleys in any paving district shall be paid by the city as hereinafter provided, but nothing herein contained shall be construed to exempt any street or other railway company from paving or re-paving its whole right of way, including all space between and one foot beyond their outer rails, at its own cost, whenever any street shall be ordered graded, paved or repaved by the mayor and council of the city, as provided by law. "*Provided, That in lieu of the above and until January first, 1891, such street railways shall only be required to pave between the rails of each track.*"

For the purpose of paying the cost of grading, paving, macadamizing or repaving the streets and alleys in any paving district exclusive of the intersections of streets and spaces opposite alleys therein, the mayor and council shall have power and may by ordinance cause to be issued bonds of the city, to be called "District Paving Bonds of District No.," ^{District paving bonds.} payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of seven per cent. per annum, with interest coupons attached, and in such case shall also provide that such special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest; provided that the entire cost of grading, pav-

ing, repaving or macadamizing any such streets or alleys properly chargeable to any lots or lands within any such paving district according to the front feet thereof, may be paid by the owner of such lots or lands within fifty days from the levy of such special taxes, and thereupon such lot or land shall be exempt from any lien or charge therefor, and if said assessment or any part thereof shall fail or for any reason be invalid, the mayor and council may make other and further assessments upon said lots or lands as may be required to collect from the same the cost of any grading, paving, or macadamizing properly chargeable thereto as herein provided.

Whenever the mayor and council deem it expedient they shall have power for the purpose of paying the cost of grading, paving, repaving or macadamizing the intersections of streets and spaces opposite alleys in the city, to issue bonds of the city to run not more than twenty years, and to bear interest payable semi-annually, at a rate not exceeding six per cent. per annum, with coupons attached, to be called "paving bonds," and the proceeds of which shall be used for no other purpose than paying for the cost of grading, paving, repaving or macadamizing the intersections of streets and alleys in the city.

Provided, that the aggregate amount of such bonds issued in any one year shall not exceed the sum of one hundred thousand (\$100,000) dollars, and,

Provided, further, that no such bonds shall be issued until the question of issuing the same has been submitted to the electors of the city, at a general or special election therein, and uthorized by a vote of the majority of the electors voting at such election. Must be submitted to a vote of the people.

If in any city governed by this act there shall be any real estate not subject to assessment or special taxes for paving purposes, the mayor and council shall have power to grade and pave in front of the same and to pay the cost thereof that would otherwise be chargeable on such real estate in the same manner as herein provided for the grading and paving of inter-sections of streets and paying therefor.

The word "lot" as in this act used, shall be taken to mean a "lot" as described and designated upon the recorded plat of such city, and in case there is no recorded plat of any such city it shall mean a lot as described and designated upon any generally recognized map of such city. The word "land" shall mean any sub-divided real estate. "Lot" defined.

Provided, that if the lots and real estate abutting upon that part of the streets ordered graded, payed, repaved, or macadamized as shown upon any such recorded plat or map are not of a uniform depth, or if for any other reason it shall appear just and proper to the mayor and council, the mayor and council are authorized and empowered to determine and establish the depth to which the real estate shall be charged and assessed, with the cost of improvement, which shall be determined and Depth of lot, how determined for assessment.

established according to benefits accruing to the property by reason of the improvement. Real estate may be so charged and assessed to a greater depth than the depth of the lots as shown upon any such map or plat, the mayor and council may, in their discretion include all the real estate to be charged and assessed with the cost of such paving or improvement in the paving district hereinbefore provided for, but are not required to do so, and the mayor and council may in their discretion, in determining whether the requisite majority of owners who are hereinbefore authorized to petition for grading, paving, repaving or macadamizing and determine the kind of material to be used therefor, have joined in such petition and determination, consider and take into account all the owners of real estate to be charged and assessed with the cost of improvement or only such as own real estate that in fact abuts upon the part of the street proposed to be so improved. The provisions of this section in regard to the depth to which the real estate may be charged and assessed, shall apply to all special taxes that may be levied, in proportion to the foot front in cities governed by this act.

Curbing and
guttering
bonds.

Whenever curbing, or curbing and guttering is done upon any street or avenue in any paving district in which paving has been ordered, and the mayor and council shall deem it expedient so to do, they shall have power and authority, for the purpose of paying the cost of such curbing and guttering, to cause to be issued bonds of the city, to be called "curbing

and guttering bonds" of paving district No.—, payable in not exceeding ten years from date, and to bear interest, payable annually, not exceeding the rate of seven per cent. per annum, with interest coupons attached, and in such cases shall assess at one time the total cost of ^{Same, assess-} such curbing and guttering, or curbing, as the case may be, upon the property abutting or adjacent to the portion of the street or avenue so improved, according to special benefits, such assessment to become delinquent the same as ^{Same, delin-} the assessment of special taxes for paving purposes, and to draw the same rate of interest ^{quent.} and to be subject to the same penalties and may be paid in the same manner as special taxes for paving purposes and the special tax so assessed shall constitute a sinking fund for the payment of said bonds and interest.

SEC. 70. [*Same, contracts for.*].—All grading, paving, macadamizing or guttering of any streets, avenues or alleys in the city for which, or any part thereof, a special tax shall be levied, shall be done by contract with the lowest responsible bidder, to be determined by the council.

SEC. 71. [*Same, street intersections.*].—The cost and expense of grading, filling, paving, culverting, curbing, guttering or otherwise improving, constructing or repairing streets, avenues, alleys and side-walks at their intersections, may be included in the special tax levied for the construction or improvement of any one street, avenue, alley or sidewalk as may be deemed best by the council.

SEC. 72. [*Special sewer assessments.*].—The council shall have power to lay off the city into suitable districts for the purpose of establishing a system of sewerage and drainage; to provide such system and regulate the construction, repairs and use of sewers and drains, and of all proper house connections and branches, and to provide penalties for any obstruction of, or injury to, any sewer or part thereof, or for violation of such regulations.

SEC. 73. [*Same, assessments.*].—Special taxes may be levied by the mayor and council for the purpose of paying the cost of constructing such sewers or drains within the city, such taxes to be levied upon the real estate lying and being within the sewerage districts in which such sewer or drain may be situated, to the extent of benefits to such property by reason of such improvement, the benefits to such property to be determined by the council as in other cases of special assessments provided; and all taxes or assessments made for sewerage or draining purposes shall be levied and collected in the same manner as other special assessments except sidewalk taxes, and shall be subject to the same penalty. And where sewers are constructed and any assessment to cover the cost thereof shall be declared void, or doubts exist as to the validity of such assessment, the mayor and council, for the purpose of paying the cost of such improvement, are hereby authorized and empowered to make a re-assessment of such cost on the lots and real estate lying and being within the sewerage

Re-assessment.

district in which any such sewer may be situated, to the extent of the benefits to such property by reason of such improvement, and such re-assessment shall be made substantially in the manner provided for making original assessments of like nature as herein provided, and any sums which may have been paid toward such improvement upon any lots or real estate included in such re-assessment, shall be applied under the direction of the council to the credit of the persons and property on account of which the same was paid, and in case the credit shall exceed the sum re-assessed against such persons and property as herein provided for, the council shall cause such excess, with lawful interest, to be refunded to the party who made payment thereof; and the taxes re-assessed and not paid under a prior assessment shall be collected and enforced in the same manner as other special taxes, and shall be subject to the same penalty; *Provided*, That no sewers shall be constructed unless the owners of a majority of the real estate in such district subject to assessment therefor shall first petition therefor.

Payment on
original assess-
ment.

Refunding
taxes.

SEC. 74. [*Special assessment, how made, when due.*—Special assessments or taxes made or levied to pay for local improvements, except for side-walks, shall be made and assessed in the following manner: First—Such assessments shall be made by the council at any meeting by a resolution stating the cost of the construction or repairs of the said improvement or work and the benefit accruing to the property in the

Resolution
must express
what.

district to be taxed and the benefit to each separate piece of property taxed, which, with the vote thereon by yeas and nays, shall be recorded in a book provided for that purpose. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in some newspaper published and of general circulation in said city at least ten days before the same shall be held. After such assessment the council shall sit as a board of equalization, as provided in section 50 of this act; *Provided*, That no property shall be taxed for an amount exceeding the special benefit accruing thereto by reason of such improvement, and if the aggregate amount of taxes which may be levied under the terms of this section shall be less than the total cost of such improvement as provided for in this act, then the excess of such cost shall be paid out of the general fund. Special taxes may be levied and collected as the improvements are completed in front of or along or upon the block or piece of ground, or at the time the improvement is entirely completed or otherwise, according as the council shall determine. No special tax or assessment which the mayor and council had or shall have acquired jurisdiction to make shall be void on account of any irregularity, defect, error or informality in any proceeding under this act.

Notice of
meeting,

Payable in
installments,
how.

SEC. 75. [*Proceedings of officers, Warrants.*]
—When any special tax, except sidewalk tax; is levied, it shall be the duty of the city clerk to issue a certificate, describing such lot or

piece of ground by number and block, and stating the amount of special tax levied thereon, and the purpose for which such tax was levied, and when the same shall become due and delinquent, and he shall forthwith deliver a duplicate of such certificate to the city treasurer, who shall without delay give at least five days notice through a newspaper published in the city, of the time when such tax will become delinquent; to every such certificate the city clerk shall append a warrant in the usual form, requiring such city treasurer to collect such special tax or taxes, by distress and sale of goods and chattles of the person, persons or bodies corporate, owing any such special tax or taxes, if the same be not paid before the time fixed for the same to become delinquent, and to make his return of such warrant with his doings thereon on or before the fifteenth day of July next thereafter.

SEC. 76. [*Apportionment of assessment.*]—It shall be sufficient in any case to describe the lot or piece of ground as the same is platted or recorded, although the same belong to several persons, but in case any lot or piece of ground belong to different persons, the owner of any part thereof may pay his portion of the tax on such lot or piece of ground, and his proper share may be determined by the city treasurer.

SEC. 77. [*Completion and acceptance of work.*] Work when completed, how accepted.
—When any improvement mentioned in this act is completed according to contract, it shall be the duty of the city engineer to carefully

inspect the same, and if the improvement is found to be properly done, such engineer shall accept the same, and forthwith report his acceptance thereof to the board of public works, who shall report the same to the council with recommendation that the same be approved or disapproved, and the city council may confirm or reject such acceptance. When the ordinance levying the tax makes the same due as the improvement is completed in front of or along any block or piece of ground, the engineer may accept the same in sections from time to time, if found to be done according to contract, reporting his acceptance as in other cases.

Railways must
pave, how.

SEC. 78. [*Railways, use of streets, liability.*]
—All street railway companies now existing or hereafter created, in any city governed by this act or that shall hereafter be organized thereunder, shall be required to pave or repave between and to one foot beyond their outer rails, or in case said railway use more than one track in any street, they shall pave between and to one foot beyond their outer rails where such company owns at their own cost; *Provided*, That in lieu of the above and until January 1st, 1891, such street railways shall only be required to pave between the rails of each track. Whenever any street shall be ordered paved or repaved by the mayor and council of such city, such paving or repaving shall be done at the same time and shall be of the same material and character as the paving or repaving of the street upon which said railway track is located, unless other material be specially

ordered by the board of public works. Such street railway companys shall be required to keep that portion of the street required by them to be paved in repair, using for said purpose the same material as the streets upon which the track is laid at the point of repair, or such other material as the board of public works may require and order upon streets in cities governed by this act, as streets are hereafter paved or repaved, street railway companies shall be required to lay, in the best approved manner, the strap or flat rail. The track of all railway companies, when located upon the streets or avenues of the city, shall be kept in repair and safe in all respects for the use of the traveling public, and such companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of such city. For injuries to persons or property arising wholly from the failure of such company to keep their tracks in proper repair and from obstruction, such companies shall be liable and the city shall be exempt from liability. The words "steet railway company" as used in this act shall be taken to mean and include any persons, companies, corporations or associations owning any street railway in any such city.

Street railway
company de-
fined.

SEC. 79. [*Special assessments.*].—In the event of the refusal or neglect of such street railway companies to pave, repave or repair when so directed by the mayor and council, upon the grading, paving or repaving of any street

Refusal to
pave.

upon which their track is laid the mayor and council shall have power to pave, repave or repair the same and the cost and expense of such paving, repaving, or repairing may be collected by levy and sale of any real or personal property of said street railway company, the same as special taxes are collected. Special taxes for paying the cost of such paving, repaving, macadamizing, or repairing of any such street railway may be levied upon the track, including the ties, iron, road-bed and right-of-way, side track and appurtenances, including buildings and real estate belonging to such company or person, and used for the purpose of such street railway business, all as one property, or upon such part of such tracks, appurtenances and property as may be within the district paved, repaved, macadamized or repaired, or any part thereof, and shall be a lien upon the property upon which levied from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer, or incumbrance of any such property of any such company, or person, or of any of its rolling stock or personal property, created or suffered by any such company or party, after the time when any street or part thereof, upon which any such street railway shall have been laid, shall have been ordered paved, repaved, macadamized or repaired, shall be made or suffered, except subject to the actual or prospective lien of such special taxes, whether actually levied or not, if such levy be in contemplation. The treasurer shall have the power and authority to

Special taxes,
upon what
levied.

Mortgage or
transfer sub-
ject to tax lien,
when.

Collection by
distress.

seize any personal property belonging to any such person or company, for the satisfaction of any such special taxes when delinquent and to sell the same upon the same advertisement and in the same manner as constables are now authorized to sell personal property upon execution at law, but failure to do so shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold. It shall also be competent for any such city to bring a civil action against any party owning or operating any such street railway and liable to pay said taxes, to recover the amount thereof, or any part thereof delinquent and unpaid, in any court having jurisdiction, of the amount, and obtain judgment and have execution therefor, and no property, real or personal, shall be exempt from any such execution:

Provided, That real estate shall not be levied upon by execution, except by execution out of the district court on a judgment therein, or transcript of a judgment filed therein, as now provided by law. No property seized by the treasurer as hereinbefore provided, or upon any such execution, shall be taken from the officer holding the same on any order of replevin. No defense shall be allowed in any such civil action,

Executions upon real estate shall issue from district court.

except such as goes to the groundwork, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust and inequitable, judgment shall be rendered for such amount as is just and equitable, and costs shall follow the judgment. It shall be competent for the mayor and council, upon the written application of any company, association, corporation, or person owning any such street railway, to provide that such special tax shall become delinquent and payable in installments as in case of taxes levied upon abutting real estate as hereinbefore provided, but such application shall be taken and deemed a waiver of any and all objections to such taxes and to the validity thereof. Such application shall be made at or before the final levy of such taxes. The provisions of this act in regard to the levy, collection and enforcement of special taxes to pay the cost of paving, repaving, macadamizing or repairing of any such street railways shall apply to all such special taxes hereafter levied.

How made payable in installments.

Board of public works, how appointed.

SEC. 80. [*Board of public works*].—There shall be in each city a board of public works which shall consist of three members, residents of said city, to be appointed by the mayor, by and with the assent of the council, before the first Monday of June, following its organization under this act, for the term of one, two, and three years respectively, the term of office of each to be designated by the mayor, and annually thereafter, there shall be appointed, as here-

inbefore provided, one member, whose term of office shall be three years.

The mayor, by and with the assent of the council, shall designate one of the members of such board to be the chairman thereof. The salary of the members of such board of public works shall be fixed by ordinance, and the salary of the chairman shall not exceed twelve hundred dollars per annum, and the salary of each of the other members shall not exceed two hundred dollars per annum. Each of the members of said board shall, before entering upon the discharge of his duties, take an oath to faithfully discharge the duties of his office, and enter into a bond with such city, with two or more good and sufficient sureties (to be approved by mayor and council), the bond of the chairman to be in the sum of fifteen thousand (\$15,000) dollars, and each of the others in the sum of ten thousand (\$10,000), dollars conditioned for the faithful performance of his duties as member of the board of public works.

The chairman of such board shall devote his entire time to the performance of his official duty, and no member of such board shall ever be directly or indirectly interested in any contract entered into by them on behalf of such city, nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act. It shall be the duty of the board of public works, and it shall have power, to make contracts on behalf of the city for the performance

Compensation.

Oath and bond.

May not be interested in contracts.

Duties of.

of all such work, and the erection of all such improvements as may be ordered by the mayor and council, but only with the approval of the mayor and council; to superintend the performance of all such work and the erection of all such improvements; to approve the estimates of the city engineer, which may be made from time to time, of the value of the work as the same may progress; to accept any work done or improvement made, when the same shall be fully completed according to contract, subject, however, to the approval of the mayor and council, and to perform such other duties as may be conferred upon them by ordinance.

Removal.

Any member of such board may at any time be removed from office by a vote of two-thirds of the members elected to the council, or by the mayor and a majority of the council, and the proceedings in that behalf shall be entered in the journal of the council.

SEC. 81. [*Finances, published statement.*].—The mayor and council shall cause to be published semi-annually, a statement of the receipts of the city and the sources thereof, and an itemized account of the expenditures and the financial condition of the city.

SEC. 82. [*Witnesses.*].—The council or any committee of the members thereof shall have power to compel the attendance of witnesses for the investigation of matters that may come before them, and the presiding officer of the council or chairman of such committee for the time being, may administer the requisite oaths, and such council or committee shall have the

same authority to compel the giving of testimony as is conferred on courts of justice.

SEC. 83. [*County jail.*—Any city shall have the right to use the jail of the county for the confinement of such persons as may be liable to imprisonment under the ordinances of the city, but it shall be liable to the county for the cost of keeping such prisoners. The city shall not pay to exceed fifteen cents for each meal furnished prisoners, and fifteen cents for lodging.

Cost of keeping prisoners.

SEC. 84. [*Bonds for sewers and waterworks.*—The mayor and council shall have power to borrow money and pledge the credit and property of the city upon its negotiable bonds or otherwise, to an amount not exceeding in the aggregate one hundred thousand dollars, for the purpose of constructing or aiding in the construction of a system of sewerage, authority therefor having first been obtained by a majority vote of the people at an election upon a proposition submitted in the manner provided by law for the submission of propositions, to aid in the construction of railroads and other works of internal improvement, and to borrow money and to pledge the property and credit of the city in the manner aforesaid, and upon being authorized as aforesaid, to an amount not exceeding one hundred thousand dollars for the purpose of constructing, maintaining, and operating a system of waterworks for said city.

Maximum amount.

Vote of the people.

SEC. 85. [*Same, waterworks.*—When a system of waterworks shall have been adopted and the people shall have voted to borrow money

Same, construction and control by mayor and council.

to aid in their construction as aforesaid, the mayor and council may erect, construct and maintain such system of waterworks, either within or without the corporate limits of the city, and make all needful rules and regulations concerning the use of such waterworks, and to do all acts necessary for the construction, completion and management and control of the same, not inconsistent with this act, including the taking of private property for public use for the construction and operation of the same, compensation to be ascertained and made therefor in the manner provided by law for acquiring the right-of-way and depot grounds for railway companies by the exercise of the right of eminent domain.

Individuals
may construct
waterworks,
how.

SEC. 86. [*Same, contracts.*].—In case such aid shall not be voted by the people in the manner aforesaid, or in case the system of waterworks shall prove inadequate for the needs of the city, both public and private, then the mayor and council may contract with and procure individuals or corporations to construct and maintain a system of waterworks in such city for any time not exceeding twenty years from the date of the contract, and with a reservation to the city of the right to purchase such waterworks at any time after the lapse of ten years from the date of the contract, upon payment to such individuals or corporation of any amount to be determined from the contract, not exceeding the cost of construction of such waterworks; in other respects such contract may be upon such terms as may be agreed

Contract, limit

Right to
purchase.

upon by a two-thirds vote of the mayor and council, entered upon the minutes; *Provided*, Authority to contract, how obtained. That no such contract shall be made unless authorized by a majority vote of the legal voters at a special election called for such purpose.

SEC. 87. [*Bonds, interest.*]Par value.—No bonds issued by the city for any purpose, except paving district bonds, shall draw interest at a greater rate than six per cent. per annum, and no bonds shall be sold for less than par or face value, and all bonds shall be redeemable at the option of the city at any time after ten years from their date.

SEC. 88. [*Water commissioner.*]Water commissioner.—Before the mayor and council shall enter upon the construction of any system of waterworks a water commissioner shall be appointed, who shall give bonds in not less than the sum of five thousand (\$5,000) dollars. No member of the council or the mayor shall be eligible to the office of water commissioner during the time for which he shall be elected. Elegibility.

SEC. 89. [*Same, duties.*]Duties of.—Such water commissioner, under the direction and supervision of the mayor and council, shall have control of such system of waterworks, and of the erection and construction of the same, subject to the general management and approval of the board of public works, fixing the rates within such limits as may be prescribed by ordinance, to be paid by the inhabitants of the city for the use of water, water meters and hydrants. It shall be his duty to collect all moneys receivable by the city on account of said system of water

works and to faithfully account for and pay the same over to the treasurer at the end of each and every month, taking his receipt therefor in duplicate, and filing one of the same with the city clerk, to make a detailed report to the council at least once in three (3) months, of the condition of said water system, and of all mains, pipes, hydrants, reservoirs and machinery, and recommending such improvements and repairs and extensions thereof as he may think proper, and showing the amount of the receipts and expenditures thereof for the preceding three (3) months, and no bill or claim for any work or material done or furnished for said system of water works shall be paid or allowed in whole or in part, except as the same shall have been first approved by said water commissioner and the water committee of the council. Said water commissioner shall perform such other duties as may be required of him by ordinance.

Annual levy
for sewerage
and water-
works.

SEC. 90. [*Tax for sewerage and water works.*]
—When any bonds shall have been issued by the city for the purpose of constructing or aiding in the construction of a system of water works or a system of sewerage, there shall thereafter be levied annually upon all of the taxable property of said city, a tax of not exceeding one mill for every twenty thousand dollars so issued, which shall be known as the water works tax, or sewerage tax as the case may be, and shall be payable only in money. The proceeds of such tax, together with all income received by the city from the water works,

and from the payment and collection of water rents and rates of assessment, shall first be applied to the payment of the current expenses of the water works and interest on borrowed money and bonds issued for their construction, and the surplus, if any, shall be used for the extension of such system, or retained as a sinking fund for the payment of such loan or bonds at maturity. Surplus.

SEC. 91. [*Liquors, license.*].—The excise board shall have exclusive control of the licensing and regulation of the sale of malt, spirituous, vinous, or intoxicating liquors in such city, and for that purpose shall hold a public session at least once each month at the council chamber in said city, and a record of its proceedings shall be made and kept as a public record by the city clerk, who shall be clerk of said board. A majority of such board shall constitute a quorum. The excise board may license, restrain, regulate or prohibit the selling or giving away of malt, spirituous or vinous, mixed or fermented intoxicating liquors in said city, the license not to extend beyond the municipal year for which it shall be granted, and to determine the amount to be paid for such license, not less than the minimum sum required by any general law upon the subject; Liquors.
Excise board must meet once a month.

Provided, That special permits may be granted to druggists for the sale of liquors for medicinal and mechanical purposes; and *Provided*, *Further*, That all such licenses, except druggists, shall be required to give bonds in all respects, and they and their sureties shall be liable on such bond Druggists, permits.
Bonds of license.

in all respects, as in case of persons to whom licenses for the sale of intoxicating liquors are or may be granted by the county board, and all the restrictions, regulations, forfeitures, and penalties provided by law respecting the sale of liquors by persons licensed therefor by the county board, shall apply to and govern all persons (except druggists) licensed by virtue of this section, and any person selling or giving away in said city any liquor of the description mentioned in this section, without first having complied with such regulations, and procured a license or permit therefor or who shall violate any of the rules and regulations established by such excise board and governing the sale of such liquor shall on conviction thereof be fined in any sum fixed by such rule not more than two hundred (\$200) dollars for each offense, and be committed to the city jail until such fines and costs are paid; *Provided*, That any permits issued to a druggist may be revoked by the excise board at pleasure,

Penalties.

License must
be revoked,
when.

And Further, That any license issued by the excise board for any purpose mentioned in this section shall and must be revoked by the excise board upon conviction of the licensee of any violation of any law or ordinance or regulation pertaining to the sale of any such liquors, and proceedings of error or appeal taken to review such judgment or conviction shall in no wise affect or prevent the revocation of such license.

Rules and
regulations.

The excise board shall also make all needful rules and regulations not inconsistent with the

law of this state, for the control of places at which malt, spirituous, vinous, or intoxicating liquors may be sold in said city; and such rules and regulations, when adopted by said board and published in a daily newspaper published and of general circulation in said city, shall have like force and effect as ordinances of said city adopted by the city council thereof and shall be proved in like manner. The excise board when in session shall have the same power to issue subpoenas and compel the attendance of witnesses, and to compel them to testify concerning any matter pending before them, as a justice of the peace has in conduct on an examination before him; and the president of the board or presiding member for the time being, shall have the same power as such justice to administer oaths and affirmation. All subpoenas, commitments and other processes shall be signed by the president or presiding officer for the time being, of the board, and countersigned by the city clerk.

SEC. 92. [*Payment of taxes.*].—All taxes levied for the purpose of raising money to pay interest or to create a sinking fund for the payment of the principal of any funded or bonded debt of the city, shall be payable in money only, and except as otherwise expressly provided, no moneys so obtained shall be used for any other purpose than the payment of the interest or debt for the payment of which they shall have been raised.

Provided, That such sinking fund may, under the direction of the mayor and council, be in-

Same,
publication,

May compel
the attendance
of witnesses.

Purchase of
under due
bonds.

vested in any of the under-due bonds issued by the city, provided they can be procured by the treasurer at such rate or premiums as shall be prescribed by ordinance;

And *Provided, further*, That any due or over-due coupon or bond shall be a sufficient warrant or order for the payment of the same out of any fund specifically created for that purpose, without any further order or allowance by the mayor or council.

SEC. 93. [*Printers' fees.*].—The mayor or council shall not allow or pay for the printing of any notice, advertisement or publication in any newspaper, any greater sum or rate than twenty-five cents per square of unleaded non-pariel type; and such bill shall first be audited by the city clerk.

SEC. 94. [*Special engineer.*].—The mayor and council may, whenever they deem it expedient, employ a special engineer to make or assist in making any particular estimate or survey, and any estimate or survey made by such special engineer shall have the same validity, and serve in all respects as though the same had been made by the city engineer.

SEC. 95. [*Police judge, jurisdiction.*].—The police judge shall have exclusive jurisdiction over, and it shall be his duty to hear and determine all offenses against the ordinances of the city; he shall also have jurisdiction, concurrent with justices of the peace and the county court, of misdemeanors under the laws of the state, arising within the limits of the city, when the fine which may be imposed does

not exceed two hundred dollars (\$200), or imprisonment for three months; and he shall also have jurisdiction for the examination of offenders against the laws of the state for offenses arising within the city limits.

SEC. 96. [*Same, powers, duties.*].—The police judge shall be a conservator of the peace, and his court shall be open every day except Sundays, to hear and determine any and all cases cognizable before him. No act shall be performed by him on Sundays, except to receive complaints, issue process and take bail. He shall have power to enforce due obedience to all orders, rules and judgments made by him. He shall have the same power as the district court in the issuance of warrants, subpoenas, or other process that may be necessary, and may fine or imprison for contempt offered to him while holding court, or to process issued by him, in the same manner and to the same extent as the district court.

SEC. 97. [*Same, appeal.*].—In all cases before the police judge, arising under the ordinances of the city, wherein the fine assessed exceeds the sum of ten dollars (\$10) or the imprisonment ten days, an appeal may be taken by the defendant to the district court in and for the county in which said city is situated; but no appeal shall be allowed unless such defendant shall, within ten days, enter into recognizance with sufficient securities, to be approved by the judge, conditioned for the payment of the fine and costs of appeal, if it should be determined against the appellant.

SEC. 98. [*Same, error.*].—On the trial of any case in the police court, it shall be the duty of any police judge to sign any bill of exception tendered to the court during the progress of such trial.

Provided, the truth of the matter be fairly stated, and thereupon said exception shall be entered in the record of such trial. Any final conviction, sentence or judgment of the police court may be examined into by the district court on writ of error, which may be allowed by such court or the judge thereof, for sufficient cause, and proceedings may be stayed as may be deemed reasonable; and the revising courts shall, in such proceedings, take judicial notice of all ordinances of the city.

SEC. 99. [*Same, complaints.*] — Whenever complaint shall be made to the police judge, on oath or affirmation of any person competent to testify against the accused, that an offense has been committed of which the police judge has the jurisdiction, the police judge shall forthwith issue a warrant for the arrest of the offender, which warrant shall be served by the city marshal, policeman, sheriff, or a constable of the county, or some person specially appointed by the police judge for that purpose.

SEC. 100. [*Fines and penalties.*].—All fines and penalties collected, arising from a breach of ordinances of the city, shall be paid to the city treasurer, and all fines and penalties collected arising from misdemeanors under the laws of the state, shall be paid to the county treasurer, and the police judge shall report at

the end of each calendar month a list of all cases instituted in his court, under the city ordinances and the disposition thereof, with a statement of all the fines, penalties and costs by him received, and shall at the end of each month pay to the city treasurer all fines by him received, in cases arising under the city ordinances and in the event that the police judge shall fail to make report as herein provided such failure and refusal for a period of ten days after demand made by the city council, shall be cause for impeachment. The excess of fees and costs, after paying the salary of police judge, shall be paid into the police fund.

Impeach-
ments.

SEC. 101. [*Trial.*].—When any person shall be brought before the police judge upon search warrant, it shall be his duty to hear and determine the complaint alleged against the defendant.

SEC. 102. [*Recognizance.*].—Upon good cause the police judge may postpone the trial of case to a day certain, in which case he shall require the defendant to enter recognizance, with sufficient security conditioned that he will appear before said judge at the time and place appointed, then and there to answer the complaint alleged against him.

SEC. 103. [*Same, breach.*].—In case of the breach of any recognizance entered into as aforesaid, the same shall be certified to the district court of the proper county to be proceeded upon according to law; if in the progress of any trial before the said judge it shall appear that the accused ought to be put upon

his trial for an offense not cognizable before said judge, he shall immediately stop all further proceedings before him and proceed as in other cases exclusively cognizable before the district court.

SEC. 104. [*Witnesses.*].—It shall be the duty of said judge to summon all persons whose testimony may be deemed material as witnesses at a trial, and to enforce their attendance by attachment if necessary, and all witnesses shall receive the sum of fifty cents for each day's attendance.

SEC. 105. [*Trial by jury.*].—Cases in the police court for violation of the ordinances shall be tried and determined by the police judge without the intervention of a jury; cases of misdemeanor under the statutes of the state shall be tried by the police judge alone, unless the defendant demand a jury; if a jury be demanded, the case shall be tried by a jury of six competent men, unless a smaller number be agreed to by the defendant, to be selected in the manner provided by law for selecting jurors in justice courts, and the trial of such cases before said police judge shall be conducted in all respects not herein otherwise provided, in like manner as criminal cases before justices of the peace. Jurors in the police court shall receive the same fees as jurors in justices' courts, to be taxed as other costs are taxed in the case.

Fees of jurors.

Venue
change of.

And if, in any case of misdemeanor under the laws of the state, it shall appear to the police judge, by affidavit of the defendant, that

he cannot have a fair and impartial trial before such police judge, the hearing of such a case may be transferred to some justice of the peace in such city. The police judge shall transmit or deliver the papers in such case, with a certified transcript of the proceedings before him, to such justice, who shall proceed therein and have the same jurisdiction, powers and duties in all respects whatever, as if such suit had been originally instituted before him; but before such change shall be allowed, all costs that have accrued in the police court, and a fee of one dollar for transcript shall be paid by the defendant.

SEC. 106. [*Judgment.*].—If the defendant be found guilty, the police judge shall declare and assess the punishment, and render judgment accordingly. It shall be part of the judgment that defendant stand committed until the judgment be complied with. Costs shall be taxed as in similar cases before a justice of the peace; *Provided*, That a jail fee of fifty (50) cents and and a fee of one (1) dollar for use of patrol wagon, may be included in cases where a defendant was imprisoned before trial for one day or more, or where patrol wagon was used in making arrest.

Provided, That in any prosecution for the violation of any ordinance, the defendant shall have the right to produce before said police judge one or more sureties, to the satisfaction of said judge, which said sureties shall, with the defendant, confess a judgment for the amount of the fine or penalty imposed, with

Judgment by
confession.

costs of suit; and said judge shall enter said confession of judgment upon his docket, and render judgment accordingly in the name of the State of Nebraska against them for the amount of such fine and costs, and if said judgment be not paid within ninety days from the date of such confession and entering of judgment, said police judge shall issue execution and collect the amount of such fine or penalty and costs, in the manner provided by law for collecting judgment by execution in Justices' Courts.

SEC. 107. [*Discharge.*].—Any defendant committed under the provisions of this act for a misdemeanor arising under the laws of the state may be discharged in the same manner as if he had been committed by the county court.

SEC. 108. [*Proceedings.*].—In all cases not herein specially provided for, the process and proceedings before the judge shall be governed by laws regulating proceedings in justices' courts in criminal cases.

SEC. 109. [*Undertaking.*].—In all proceedings, trials and hearings before the council, based upon a complaint or information of any kind, where such information or complaint is not sustained, before an appeal shall be taken the complainant or informant shall enter into an undertaking in such sum as the mayor may fix, with sufficient sureties approved by the mayor, conditioned that he will pay all costs in case the decision of the council shall be sustained.

SEC. 110. [*Continuance.*].—When a trial shall be continued by the police judge it shall not be necessary to summon any witnesses who

may be present at the continuance, but the judge shall verbally notify such witnesses as either party may require to attend before him to testify in the case on the day of trial, which verbal notice shall be as valid as a summons.

SEC. 111. [*Challenges*].—In trials by a jury before the police judge, challenges shall be allowed in the same manner as in similar cases before justices of the peace.

SEC. [Punishment].—Any person convicted before the judge of any offense under the ordinances of the city, shall be punished by such fine and imprisonment as may be regulated by ordinance.

SEC. 113. [*Working Prisoner*].—Whenever the defendant is sentenced to imprisonment for the violation of a city ordinance, he shall be put to work for the benefit of the city, under the direction of the marshal for the term of his imprisonment, and when committed for the non-payment of a fine or costs for the violation of any ordinance, he shall also be put to work for the benefit of the city, and shall be credited on such fine and costs one dollar and fifty cents (\$1.50) per day for each day he shall work.

SEC 114. [*Vacancies in Office*].—In case of a vacancy in the office of police judge by death, resignation or otherwise, or in case of the absence, disability or personal interest of said judge, such fact being shown by affidavit, the mayor shall, on notice thereof, appoint some justice of the peace, holding and exercising the

duties of his office, within the corporate limits of the city, to act as police judge during such vacancy, absence or disability of said police judge and until such vacancy is filled by appointment or election.

SEC. 115. [*Repealing Clause.*].—That an act entitled "An act to incorporate cities of the first class having less than 60,000 inhabitants and more than 25,000 inhabitants, and regulating their duties, powers and government," approved March 25, 1887, and all acts amendatory thereof, and all acts or parts of acts or laws in conflict herewith, be and the same are hereby repealed.

SEC. 116. [*Emergency.*].—Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 29th, 1889.

CHAPTER 15.

[House Roll No. 61.]

CITIES OF THE FIRST CLASS HAVING LESS THAN
TWENTY-FIVE THOUSAND INHABITANTS.

Section.

1. Cities of first class.
2. How organized.
3. Same, ward division.
4. Corporate limits.
5. Contiguous property.
6. Additions.
7. Corporate name.
8. Rights reserved.
9. Powers.
10. Wards.
11. Precinct lines.
12. Elections, when held.
13. Election of officers.
14. Appointive officers.
15. Electors' qualifications.
16. Council meetings.
17. Salaries.
18. Same, police judge.
19. Officers' qualifications.
20. Mayor's powers and duties.
21. Same, veto.
22. Same, message.
23. Vacancy.
24. May remit fines.
25. Clerk, duties of.
26. Treasurer, duties of.
27. Attorney, duties of.
28. Engineer, duties of.
29. Same.
30. Marshal, duties of.
31. Street commissioner.
32. Emoluments of officers.
33. Accounts of officers.
34. Contracts, resolution.
35. Streets, care of.
36. Markets.
37. Appropriations.
38. Claims.
39. Taxes, levy.
40. Equalization.
41. Tax list, correction.
42. Taxes, delinquent.
43. Tax warrant.
44. Treasurer, power of.
45. Same.
46. Taxes, property liable.
47. Same, collecting.
48. Same, how paid.
49. Same, realty, sale of.
50. Tax liens.
51. Same, irregularities.
52. Same, re-levy, irregularities.
53. Same, county treasurer.
54. Treasurer's books.
55. Warrants.
56. Public money, removal of the treasurer.
57. Treasurer's annual report.
58. Same, diversion.
59. Same, special funds.
60. Fiscal year.

Section.

61. Appropriation bill, annual.
62. Same, estimates.
63. Money, how expended.
64. Power to contract.
65. Contracts, officers not to be interested in.
66. Ordinances, rules for passing.
67. Ordinances, style.
68. Ordinances, powers.
69. Same, contracts for.
70. Same, street intersections.
71. Special taxes, when due.
72. Proceedings of officer's warrant.
73. Apportionment of assessment.
74. Completion and acceptance of work.
75. Special sewer assessments.
76. Railways, use of streets, liabilities.
77. Special assessments.
78. Elective board of public works.
79. Poll tax.
80. Finance, published statement.
81. Witnesses.
82. County jail.
83. Bonds for sewers and water works.
84. Same, vote of people.
85. Same, waterworks.
86. Same, contracts.
87. Bonds, interest.
88. Water commissioner.
89. Same, duties.
90. Council, mayor, eligibility.
91. Tax for sewerage and water-works.
92. Liquors, license.
93. Payment of taxes.
94. Printers' fees.
95. Special engineer.
96. Police judge, jurisdiction.
97. Same, powers, duties.
98. Same, appeal.
99. Same, error.
100. Same, complaints.
101. Fines and penalties.
102. Trial.
103. Recognizance.
104. Same, breach.
105. Witnesses.
106. Trial by jury.
107. Judgment.
108. Discharge.
109. Proceedings.
110. Continuance.
111. Challenges.
112. Punishment.
113. Working prisoners.
114. Vacancy in office.
115. Viaducts.
116. Emergency.

AN ACT, to incorporate cities of the first class having less than twenty-five and more than eight thousand inhabitants, and regulating their duties, powers and government.

Be it enacted by the Legislature of the State of Nebraska:

Number of inhabitants to constitute cities of the first class, second grade.

SECTION 1. [*Cities of first class.*—That all cities having less than twenty-five thousand (25,000,) and more than eight thousand (8,000) inhabitants shall be governed by the provisions of this act, and be known as cities of the first class, having less than twenty-five thousand (25,000) inhabitants.

How cities may take advantage of the provisions of this act.

SEC. 2. Whenever any city of the second class shall have attained a population of more than eight thousand (8,000) inhabitants, the mayor and city council may on ten (10) days, notice, call an election and submit to the qualified electors the question whether such city shall become subject to the provisions of this act. If a majority of the voters, voting at such election, vote in favor of the city becoming subject to the provisions of this act, the mayor shall certify such fact to the governor, who shall by proclamation, so declare, and thereafter such city shall be governed by the provisions of this act. The submission of the question, herein provided for, shall be by ordinance, and such ordinance shall provide for the return and canvass of the votes cast at the election herein provided for; and upon such proclamation being made by the governor each and every officer of said city shall within thirty (30) days thereafter qualify and give the bonds provided for by this act.

SEC. 3. [*How organized.*].—The government ^{Same, wards.} of such city shall continue in authority from the date of such proclamation until the re-organization under this act. The mayor and council shall divide the city into not less than four wards, to take effect at the next annual municipal election.

SEC. 4. [*Corporate limits.*].—The corporate ^{Corporate limits, how defined.} limits of such city shall remain as theretofore, and the mayor and council may by ordinance include therein all the territory contiguous or adjacent, which has been by the act, authority or acquiescence of the owners sub-divided into parcels containing not more than five acres, and the mayor and council shall have power ^{May compel streets to be laid out.} by ordinance to compel the owners of land so bought within the corporate limits to lay out streets, ways and alleys to conform and be continuous with the streets ways and alleys of such city (and they may vacate any public ^{May vacate public road.} road heretofore established through such land) when necessary to secure regularity in the general system of its public ways.

SEC. 5. [*Contiguous property.*].—Land shall ^{Contiguous property defined.} be deemed contiguous to such city, notwithstanding any stream or embankment, or any strip or parcel of land not more than two hundred [200] feet in width may lie between such land and the corporate limits of such city.

SEC. 6. [*Additions.*].—The proprietor or pro- ^{Additions, how to lay out.} prietors of any land within the corporate limits of any city of the first class, or contiguous to the same, may lay out said land into lots, blocks, streets, avenues and alleys, and other

Map.

Acknowledgement,

To be filed
with register
of deeds.

grounds the same name of.....addition to the city of....., and shall cause an accurate map or plat thereof to be made out, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, avenues and alleys, and other grounds belonging to such addition; the lots must be designated by numbers, and streets, avenues, and other grounds by name or numbers, and such plat shall be acknowledged before some officer authorized to take the acknowledgement of deeds, and have appended a survey, made by some competent surveyor, that he has accurately surveyed such addition and that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds are well and accurately staked off and marked, and when such map or plat is so made out, acknowledged and certified, and, after being approved by the mayor and council, the same shall be filed and recorded in the office of the register of deeds of the county, and thereupon such plat shall be equivalent to a deed in fee simple to said city from the proprietor of all streets, avenues, alleys, public squares, parks and commons, and of such portion of the land as is therein set apart for public and city use, or is dedicated to charitable, religious or educational purposes, and all additions thus laid out shall remain a part of said city, and all additions now or hereafter laid out adjoining or contiguous to the said corporate limits shall be included within the same, and be and become thereupon a part of such city for all purposes whatsoever, and the inhabitants of such addition

shall be entitled to all the rights and privileges, and subject to all the laws, ordinances, rules and regulations of the city to which land is an addition; *Provided*, The mayor and council shall have power by ordinance to compel the owners of any such addition to lay out streets, avenues and alleys, so as to have the same correspond in width and direction and be continuations of the streets, ways and alleys in the city or additions thereto, contiguous to or near the proposed addition, and no addition shall have any validity, right or privileges as an addition unless the terms and conditions of such ordinance are complied with, and the plat thereof submitted to and approved by the mayor and council, and endorsed thereon.

Streets shall be continuous.

SEC. 7. [*Corporate name.*—The corporate name of each city organized under or governed by this act shall be the city of, and all process whatever affecting any such city shall be served upon the mayor, or acting mayor, or in the absence of both of said officers from the city, then upon the city clerk.

Corporate Name.
Service of proofs.

SEC. 8. [*Rights reserved.*—No right of property accrued to any city, corporation or person under any law heretofore in force shall be affected by this act, and all city ordinances now in force and not repugnant to the provisions of this act shall remain and continue in force until altered or repealed by the Mayor and council. When any such city or town shall be incorporated under the provisions of this act, all its said trust, rights and privileges shall be transmitted to and vested in such latter cor-

Rights, trusts and privileges accrued not affected.

poration and all actions heretofore commenced by or against any city, or town which shall become a city, governed under the provisions of this act, shall be in no manner affected by this act, but all such actions shall be continued to final judgment and satisfaction as if this act had not been passed.

Powers granted

SEC. 9. [*Powers.*].—Each city governed by the provisions of this act shall be a body corporate and politic, and shall have powers:

First. To sue and be sued.

Second. To purchase and hold real and personal property for the use of the city, and real estate sold for taxes.

Third. To sell and convey any real or personal estate owned by the city, and make such order respecting the same as may be deemed conducive to the interests of the city.

Fourth. To make all contracts and to do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate powers.

Same vested in mayor and council

Fifth. To exercise such other and further powers as may be conferred by law. The powers hereby granted shall be exercised by the mayor and council of such city as hereinafter set forth, but they shall not have power to sell any real estate of the city unless authorized to do so by a vote of the majority of the electors of such city at a special election therefor; *Provided*, That upon the affirmative vote of three-fourths of all the members of the city council, to be entered of record, such city may by ordinance direct the sale and conveyance of any

Sale of real estate

such real estate which the city may have acquired at a sale for delinquent taxes as herein provided, upon such terms as the council may deem best, without first submitting the question of sale to a vote of the people.

SEC. 10. [*Wards.*].—Each city governed by this act shall be divided into not less than four wards, as compact in form and equal in population as may be, the boundaries of which shall be defined by ordinance. Each ward shall constitute an election district; *Provided*, That when any ward shall contain over five hundred (500) legal voters, the mayor and council may divide such ward into two or more election districts.

Wards and
election dis-
tricts.

SEC. 11. [*Precinct lines.*].—Precinct lines in that part of any county not under township organization, embraced within the corporate limits of any city governed by this act, shall correspond with the ward lines in such city, and such precinct shall correspond in number with the ward of the city, and be co-extensive with the same; *Provided*, That when a ward is divided into election districts, the precinct corresponding with such ward shall be divided so as to correspond with the election districts. And *Provided*, further, That no justices of the peace or constable shall be elected in such precinct, and every such city shall constitute a district for the election of justices of the peace and constables, and in every such district there shall be elected two justices of the peace and two constables at the time provided by law for the election of such officers in other districts.

Precinct and
ward lines
must corre-
spond, when.

Justices of the
peace and
constables.

Elections,
general.

SEC. 12. [*Elections, when held.*].—The general city election in all cities governed by this act shall be held on the first Tuesday in April annually. The polls shall be opened at such place in each election district as may be designated by the mayor, or be fixed by ordinance, and shall be kept open between the hours of 9 o'clock A. M. and 7 o'clock P. M., and no longer.

Election of
officers.

SEC. 13. [*Election of officers.*].—At the first annual election after such proclamation by the governor, a mayor, treasurer, clerk, and police judge shall be elected by a plurality of votes for the term of two years, and biennially thereafter. The council of each city governed by this act shall consist of one member for each ward and an equal number from the city at large, who shall be qualified electors of said city, and a resident freeholder to the amount of five hundred (\$500) dollars.

Councilmen,
qualifications.

Must give
bond.

Each councilman, before entering upon the duties of his office, shall be required to give a bond to the city, with two or more good and sufficient sureties who shall each justify that he is worth at least two thousand (\$2,000) dollars above all debts and exemptions, and such bond shall be in the sum of two thousand (\$2,000) dollars and shall be conditioned for the faithful discharge of duties of the councilman giving the same, and shall be further conditioned that if said councilman shall vote for any expenditure or appropriation of money, or the creation of any liability in excess of the amount allowed by law, that such councilman and sureties signing said bond shall be liable

thereon. Said bond shall be filed with and approved by the mayor, and any liability sought to be incurred, or debt created in excess of the amount limited, or authorized by law, shall be taken and held by every court of the state, as the joint and several liability and obligation of the councilmen voting for and the mayor approving the same, and not the debt, liability or obligation of the city, and voting for or approving of such liability, obligation or debt, shall be conclusive evidence of malfeasance in office and for which such councilmen or mayor may be removed from his office.

At the first annual election after such proclamation by the governor there shall be elected the number of councilmen equal to the number of wards in said city, to be designated councilmen at large, who shall serve for the term of two years. At the next annual election there shall be elected a councilman from each ward, who shall serve for the term of two years. The councilman at large and the ward councilman shall constitute the city council, the councilman at large and the ward councilman being elected on alternate years. Ward councilmen shall be residents of the ward from which they may be elected. All councilmen's term of office shall commence the first Tuesday succeeding the day of election, upon which day they shall assemble together and organize the city council. In cities hereafter organized under this act, the councilmen at large and the ward

Malfeasance
in office.

Councilmen,
Terms of
office.

councilmen shall hold their offices as above provided and shall be elected upon alternate years.

Appointive
officers.

SEC. 14. [*Appointive officers.*]—The mayor may appoint an engineer, attorney, street commissioner, chief of fire department, and water commissioner, and may appoint three members of the board of public works, by and with the assent of the council. And any such officers may be removed at any time by a vote of the majority of all members of the council. All confirmation of officers by the council shall be made viva voce, and the concurrence of a like majority shall be required, and the vote by yeas and nays shall be recorded. The city marshal and such number of police as the council may authorize shall be appointed, and may be removed by the mayor at pleasure, and in case of emergency the mayor may appoint a necessary number of special police, who shall be removable at the pleasure of the mayor and council.

Removal.

Marshal and
police.

Electors

SEC. 15. [*Electors — qualification.*] — The qualification of electors in the several wards shall be the same as is required for the electors under the laws of the state. At a meeting of the council on the first Monday after any city election, the returns shall be canvassed, and they shall cause the clerk to make out and deliver certificates of election to the persons found to be elected, and a neglect of any such officer to qualify within ten days after the delivery to him of such certificate shall be deemed a refusal to accept the office to which he may have been elected.

Certificates of
election.

SEC. 16. [*Council meetings.*]^{Council meetings.}—Regular meetings of the council shall be held at such times as may be fixed by ordinance and special meetings whenever called by the mayor or any four councilmen. Two-thirds of all the members elected to the council shall constitute a quorum^{Quorum.} for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members.

SEC. 17. [*Salaries.*]^{Salaries must be fixed by ordinance.}—The salaries of all officers shall be fixed by ordinance, not exceeding the following sums per year, respectively: The mayor, five hundred (\$500) dollars per annum; treasurer, fees as hereinafter provided, not to exceed five hundred (\$500) dollars per annum; num; each councilman, three hundred (\$300) dollars per annum; clerk, seven hundred and twenty (\$720) dollars per annum, including the making of the tax list; marshal, sixty-five (\$65) dollars; and policemen sixty (\$60) dollars per month; city engineer, five (\$5) dollars per day for each day actually employed; street commissioner, sixty (\$60) dollars per month for actual service; city attorney, six hundred (\$600) dollars per annum; water commissioner, eight hundred (\$800) dollars per annum, and the chairman of the board of public works, six hundred (\$600) dollars per annum, and the other two members of said board, one hundred (\$100) dollars per annum. The foregoing to be construed as limitations and not fixed salaries. All other officers and employes of the city except police judge, shall receive such compensation as the mayor and councilmen shall fix at the time of their employment.

Same, Police
Judge.

SEC. 18. The police judge shall receive a salary not to exceed the sum of one thousand (\$1,000) per annum. He shall keep a fee book and shall collect the same fees as a justice of the peace for similar services, and pay the same into the treasury on the first day of each month.

Officers, who
qualified.

SEC. 19. All officers shall be qualified electors of the city, entitled to vote at all elections therein.

Mayors' pow-
ers and duties.

SEC. 20. [*Mayor's powers and duties.*].—The mayor shall preside at all the meetings of the city council, and shall have a casting vote when the council is equally divided, except as otherwise herein provided, and none other, and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and the provisions of this act are complied with, and may administer oaths, and shall sign the commissions and appointments of all the officers appointed in the city.

Same, veto.

SEC. 21. [*Same, veto.*].—The mayor shall have the power to sign or veto any ordinance passed by the city council, and to sign or veto any order, by-law, resolution, award of or vote to enter into any contract, or the allowance of any claim; *Provided*, That any ordinance, order, by-law, resolution, award or vote to enter into any contract, or the allowance of any claim vetoed by the mayor, may be passed over his veto by a vote of two-thirds of all the members elected to the council, notwithstanding his veto, and should the mayor neglect or refuse to sign any ordinance and return the same with his objec-

tion in writings at the next regular meeting of the council, the same shall become a law without his signature;

Provided, That the mayor may veto any item or items of any appropriation bill, and approve the remainder thereof, and the item or items so vetoed may be passed by the council over his veto as in other cases.

SEC. 22. [*Message.*—He shall from time to time communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of the finances of the city, the police, health, comfort and general prosperity of the city, and may have such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of health, or quarantine ordinance, and regulation thereof, and shall have jurisdiction in all matters vested in him by ordinance, excepting taxation, within one-half mile of the corporate limits of said city.

SEC. 23. [*Vacancy.*—In case of any vacancy in the office of mayor, or in case of his absence or disability, the president of the council shall exercise the powers and duties of the office of mayor until such vacancy shall be filled or such disability removed, or in case of temporary absence, until the mayor returns, and perform such other duties as may be required by law. The mayor may require any male inhabitant of the city, between the ages of eighteen and fifty, to aid in enforcing the laws.

SEC. 24. [*May remit fines.*—The mayor shall

have power, after conviction, to remit fines and forfeitures and to grant reprieves and pardons for all offences arising under the ordinances of the city.

City clerk,
duties of.

Annual report.

Monthly
report.

Treasurer
must give
bond.

Duties of.

SEC. 25. [*Clerks, duties of.*].—The city clerk shall have the custody of all laws and ordinances, and shall keep a correct journal of the proceedings of the council; he shall also keep a record of all outstanding bonds against the city, showing the number and amount of each, for and to whom the said bonds were issued, and when any bonds are purchased, or paid, or canceled, said record shall show the fact, and in his annual report he shall describe particularly the bonds issued and sold during the year, and the terms of sale, with each and every item of expense thereof; he shall also perform such other duties as may be required by the ordinances of the city. He shall also make, at the end of each month, a report showing the amount appropriated to each fund and the whole amount of warrants drawn thereon, which shall be spread at large upon the records.

SEC. 26. [*Treasurer, duties of.*].—The treasurer shall be required to give bonds in not less than fifty thousand dollars (\$50,000), or he may be required to give bond in double the sum of money estimated by the council to be at any time in his hands, belonging to the city and school district, and shall be the custodian of all money belonging to the corporation; he shall keep a separate account of each fund or appropriation, and the debits and credits be-

longing thereto; he shall give every person paying money into the treasury a receipt therefor, specifying date of payment, and on what account paid; he shall, also file copies of such receipts, except tax receipts, with his monthly reports; he shall at the end of each and every month, and as often as may be required, render an account to the city council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of the money in the treasury; he shall also accompany such accounts with a statement of all the receipts and disbursements, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be filed with his said account in the clerk's office, and if said treasurer neglect or fail for the space of ten days from the end of each and every month to render his said account, his office may, by resolution of the mayor and council, be declared vacant, and the city council shall fill the vacancy by appointment until the next election for city officers. The treasurer may employ and appoint a delinquent tax collector, who shall be allowed a per centum upon his collections, to be fixed by the council, not to exceed the fees allowed by law to county treasurers for like service, and upon taxes collected by such delinquent tax collector the city treasurer shall receive no fees.

Account rendered under oath, when.

Vacancy, how declared and filled,

Delinquent tax collector.

SEC. 27. [*Attorney, duties of.*]—The city attorney shall be the legal adviser of the council

City attorney.

and city officers; he shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the corporation, or that may be ordered by the council, and when requested, shall attend meetings of the council and give them his opinion upon any matter submitted to him, either orally or in writing as may be required. *Provided*, that he shall not be required to prosecute complaints for offenses against the city ordinances in police court, except on the order of the mayor or council.

City engineer

SEC. 28. [*Engineer, duties of.*].—The city engineer shall make a record of the minutes of his surveys and of all work done for the city, including sewers and extensions of water system, and accurately make such plats, sections, profiles and maps, as may be necessary in the prosecution of any public work, which shall be public records, and belong to the city, and be turned over to his successor.

Estimates.

SEC. 29. [*Same.*].—The city engineer shall make estimates of the cost of labor and materials which may be done or furnished by contract with the city, and make all surveys, estimates and calculations necessary to be made for the establishment of grades, building of culverts, sewers, waterworks, bridges, curbing and gutters, and the improvement of streets, and erection and repair of buildings, and shall perform such other duties as the council may require. Before the city council shall make any contract for building waterworks, or any

part thereof, or any sewers, bridges, or work on the streets, or any other work or improvement to cost over two hundred dollars (\$200), an estimate of the cost thereof shall be made by the city engineer and submitted to the council, and no contract shall be entered into for any work or improvement for a price exceeding such estimate, and in advertising for bids for any such work, the council shall cause the amount of such estimate to be published therewith. Such advertisement shall be at least ten days in some daily newspaper of general circulation published in the city.

Council must advertise for bids, how.

SEC. 30. [*Marshal, duties.*] — The marshal shall have the immediate superintendence of the police, and the marshal and policemen shall have power, and it shall be their duty, to arrest all offenders against the laws of the state, or of the city, by day or by night, in the same manner as a sheriff or constable, and keep them in the city prison or other place, to prevent their escape until a trial or examination may be had before a proper officer, and shall have the same powers as sheriffs and constables in relation to all criminal matters, and all process issued by the police judge.

Marshal and policemen, powers and duties.

SEC. 31. [*Street commissioner.*] — The street commissioner shall, subject to the orders of the mayor and council, have general charge, direction and control of all work in the streets, sidewalks, culverts and bridges of the city, except matters in charge of the board of public works, and shall perform such other duties as the council may require.

Street commissioner, duties of.

Emoluments shall not be increased or diminished, when.

SEC. 32. [*Emoluments of officers.*] — The emoluments of no officer whose election or appointment is required by this act shall be increased or diminished during the term for which he was elected or appointed, and no person who shall have resigned or vacated any office shall be eligible to the same during the time for which he was elected or appointed, when during the same time the emoluments have been increased.

Accounts exhibited, when.

SEC. 33. [*Accounts of officers.*]—The mayor or council shall have power, when he or they deem it necessary, to require any officer of the city to exhibit his accounts, or other papers, and make reports to the council in writing, touching any subject or matter they may require pertaining to his office.

Yeas and nays shall be called, when.

SEC. 34. [*Contract, resolution.*]—On the passage or adoption of every resolution or order to enter into a contract, or accepting of work done under contract, by the mayor or council, the yeas and nays shall be called and recorded and to pass, or adopt any by-laws, ordinance or any such resolution, or order, a concurrence of a majority of the whole number of the members elected to the council shall be required.

Care and control of streets.

SEC. 35. [*Streets, care of.*]—The mayor and council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares, and commons within the city, and shall cause the same to be kept open and in repair and free from nuisances.

Markets, regulation of.

SEC. 36. [*Markets.*]—No charge or assessment of any kind shall be made or levied on

any wagon or other vehicle, or the horses therto attached. or on the owner bringing produce or provisions to any of the markets in the city, or standing in or occupying a place in any of the market places of the city, or in the streets contiguous thereto on market days and evenings previous thereto; but the mayor and council shall have full power to prevent forestalling, to prohibit or regulate huckstering in the markets, to prescribe the kind and description of articles which may be sold, and the stand or places to be occupied by the vendors, and may authorize the immediate seizure and arrest or removal from the markets of any person violating its regulations as established by ordinance, together with any article of produce in their possession, and the immediate seizure and destruction of tainted or unsound meat or other provisions.

SEC. 37. [*Appropriations.*] — All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council. Ordinance^s,
how enacted. Ordinance^s of a general or permanent nature shall be fully and distinctly read on three different days, unless three-fourths of the council shall dispense with the rules. Ordinances shall contain no subject which shall not be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and

the ordinance or section so amended shall be repealed.

Claims, must
make oath to.

SEC. 38. [*Claims.*—All claims against the city must be presented in writing with a full account of the items verified by the oath of the claimant, or his agent, that the same is correct, reasonable, and just, and no claim shall be audited or allowed unless presented and verified, as provided for in this section; *Provided*, no costs shall be recovered against such city in any action brought against it, for any unliquidated claim, including claims for personal injury sustained by reason of the negligence of such city, which has not been presented to the city council to be audited; nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest thereon; *Provided*,

Must be audit-
ed.

Actions for
damage to per-
son or prop-
erty.

further, That all actions against such city for injury or damage to person or property hereafter sustained by reason of the negligence of such city, must be brought within six months from the date of sustaining the same. And to maintain such action it shall be necessary that the party file in the office of the city clerk, within three months from the date of the injury or damage complained of, a statement giving full name and the time, place, nature and circumstances of the injury or damage complained of.

Taxes, levy,
ten mills limit.

SEC. 39. [*Taxes—Levy.*] — The mayor and council shall have power to levy and collect taxes for general purposes, not exceeding ten mills on the dollar valuation in any one year,

on all the real estate and personal property within the corporate limits of the city, taxable according to the laws of this state, and such tax for interest and sinking fund of the bonded debt as may be requisite and authorized by law. And ^{Special police fund.} the mayor and council shall also have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the police department of said city, not to exceed five (5) mills on the dollar valuation in any one year; taxes levied for said purposes to constitute a special fund therefor; and shall also have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the fire department of any such city, not to exceed three (3) mills on ^{Special fire fund.} the dollar valuation in any one year; taxes levied for said purpose to constitute a special fund therefor. The valuation of such property to be taken from the assessment roll of the proper county, and it shall be the duty of the ^{Assessment roll, how made.} county clerk to permit the city clerk to make out from the assessment rolls of the county an assessment roll for the city of all property liable to taxation as above specified, which the city clerk shall complete on or before the third Monday in June of each year, unless otherwise ordered by the council; upon the completion of each copy of said assessment roll the city clerk shall add to said roll any and all real estate in said city which is exempt from taxation for general purposes and assess the same as near as may be to correspond with the assessed value of like property on said county roll and

enter the same in a separate column for the purpose of special assessment in said city, authorized by law, and shall be subject to equalization by the city council, the same as other property, when sitting as a board of equalization.

Board of
Equalization,
powers of.

SEC. 40. [*Equalization.*].—The council shall have power to act as a board of equalization for the city, to equalize all assessments and to correct any error in the listing or valuation of property, and to supply any omissions in the same, and shall have the same power as county commissioners have in similar cases, and when such roll is completed the council shall hold a session of not less than five days as a board of equalization, giving notice of such sitting at least six days prior thereto through a newspaper published and of general circulation in the city. The mayor and council shall make the annual levy at the first regular meeting of the city council in July of each year. And in all cases before any special taxes that may be levied in proportion to the foot front shall be finally levied, it shall be the duty of the council to sit as a board of equalization for the purpose of equalizing any such proposed levy, special taxes or assessment and correcting any error therein, giving notice of sitting in the same manner as above provided in this section, stating in such notice the purpose for which it will sit, and it shall continue such session not less than two days, and at such session it shall hear all complaints that the owners of property so to be assessed and taxed may make, and it

Annual levy,
when made.

Must give no-
tice.

shall be its duty to equalize any such assessments, by correcting any errors therein, and thereupon said assessments and special taxes shall be finally levied;

Provided, That no complaint that another is assessed too low shall be acted upon, and no assessment shall be increased until the person ^{Increase of assessments} so assessed shall be notified of such complaint or of such proposed increased assessment, if a resident of the city.

SEC. 41. [*Tax list, correction.*].—As soon as ^{Tax list, when made.} the assessment roll shall have been equalized, and the annual levy made thereon, the city clerk shall immediately make out a tax list, which shall be as nearly as practicable in the form prescribed by law for the tax list to be furnished county treasurers, and he shall deliver such tax list to the city treasurer on or before the first day of October next after the date of the levy in each year; errors in the name of persons assessed may be corrected by ^{Treasurer may correct errors} the treasurer, and the tax collected from the person intended, and in case the treasurer find that any land has been omitted in the assessment, he shall report that fact to the council, who may assess the same and direct the correction of the tax list.

SEC. 42. [*Taxes, delinquent.*].—On the first ^{Taxes delinquent, when} day of January next succeeding the levy thereof, all unpaid city taxes shall be and become delinquent, and shall thereafter draw interest at the rate of one per centum per month, which interest shall be collected the same as the tax so due, and it shall be the duty of the city

Collection.

treasurer to proceed, as soon as practicable, after the first day of January, to make such delinquent tax out of the personal property of such delinquent if any such property can be found within the city; no demand of taxes shall be necessary, but it shall be the duty of every person owing any municipal tax or taxes in such city, to attend at the treasurer's office and pay the same.

Form of tax warrant.

SEC. 43. [*Tax warrant.*].—To each tax list so delivered, a warrant under the hand of the city clerk shall be annexed, to be substantially in the following form, to-wit:

In the name and by the authority of the state of Nebraska: To, city treasurer of the city of....., in Nebraska. You are hereby commanded to collect from each of the persons and corporations named in the annexed tax list, and of the owners of the real estate described therein, the taxes set down in such list opposite their respective names, and the several parcels of land described therein; and in case any person or corporation upon whom any such tax or sum is imposed, or who by law is required to pay the same, shall refuse or neglect to pay the full amount thereof, before the first day of January next, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed as are required by law to pay such tax.

Given under my hand and official seal this
day ofA. D., 18....
 City Clerk of the City of.....

SEC. 44. [*Treasurer, power of.*]^{Same, power of treasurers.}—Such warrants shall fully authorize and empower the city treasurer to levy on any personal property belonging to any such delinquent, and collect therefrom any municipal taxes then due from such delinquent, and such warrant shall be a full and complete justification to the treasurer in any action brought to recover damages or costs for any act or proceeding by him done or taken in conformity with the commands thereof.

SEC. 45. [*Same.*]^{Same, fees.}—The powers, rights, duties, and the proceedings of the city treasurer in cities governed by this act and of such deputies as he may appoint, shall in all respects, as far as applicable, and except as herein otherwise provided, be the same in respect to the collection of municipal taxes and assessments as those of county treasurers in like cases with reference to the collection of county taxes; and he shall be paid fees of one and one-half per centum of all taxes collected by him, not to exceed five hundred (\$500) dollars per year, as before limited.

SEC. 46. [*Taxes, property liable.*]^{Taxes, collection of, what property liable.}—All municipal taxes shall be collected from the personal property of the person, persons, or body corporate owning the same, whenever the same is practicable, and whenever personal property cannot be found belonging to any such person, persons, or bodies corporate, then, and in that case, all such delinquent municipal taxes as may have been levied on any real estate within such city shall be collected by the county

treasurer of the county in which such city is situated, by sale of such real estate the same as in the case of delinquent county taxes.

Same, ordinances.

SEC. 47. [*Same, ordinances for collecting.*]—The mayor and council shall have full power and authority to pass any and all ordinances not inconsistent with the laws of this state that they may deem necessary to secure the speedy and thorough collection of all municipal taxes and special assessments.

Same, payment.

SEC. 48. [*Same—how paid.*]—All municipal taxes and all local special assessments in such city shall be paid in cash and warrants of said city drawn on the fund for which the same is offered; *Provided*, that coupons on any bonds of such city shall be received for any tax or assessments.

Same, sale of real estate, how made,

SEC. 49. [*Same—realty—sale of.*]—It shall be the duty of the city treasurer, on or before the fifteenth day of September of each year, to make out a complete delinquent list of all lots, lands or parcels of real estate, the taxes and assessments on which for the previous year remain uncollected at that time, with the amount of such taxes or assessments, together with the penalty and interest due from each lot or parcel or real estate set opposite the same, arranging the several lots, lands or parcels of real estate in such list in the order that they may appear on the tax lists, stating also in each case the purpose for which tax or assessment was levied. The county treasurer shall receive such delinquent list and advertise the real estate therein described for sale for such delinquent taxes, or

assessments, at the same time he advertises the sale of real estate for delinquent county taxes, by adding the amount of such delinquent city taxes and assessments to the amount of delinquent state, county and other taxes, and he shall sell such lots, lands or parcels of real estate for the purpose of paying all such delinquent taxes and assessments, and shall credit such city for the amount of taxes or assessments so collected, which shall be subject to the order of the treasurer of such city. In the sale of any real estate as above provided for, and in the giving of certificates of sale and tax deeds therefor the county treasurer shall proceed in the same manner as is or may be provided by law for his proceedings in the sale of real estate for delinquent county taxes, and with like power and authority; and the real estate so sold may be redeemed within the time and upon the same terms and conditions in every respect as is or may be provided by law for the redemption of real estate sold for delinquent county taxes.

Provided, That under this act the county treasurer shall be authorized to collect only by sale of real estate; and,

Provided, further, It shall be the duty of the city treasurer upon any taxes being collected by him after the delinquent tax list shall have been delivered to the county treasurer to forthwith notify the county treasurer of such collection that the same may be canceled on the delinquent tax list;

City treasurer must notify county treasurer, when.

Provided, further, That the failure, neglect

or refusal of the city treasurer to make the tax assessed against any real estate by distress and sale of the personal property of the owners thereof, shall not in any wise affect or invalidate the sale of such lands for such tax.

Tax liens.

SEC. 50. (*Tax liens.*)—Special assessments upon real estate shall be a lien from the date of levy, and municipal taxes thereon from the date fixed by the general revenue law, which lien shall be perpetual; and in case of sale of any property for such tax or special assessment, the same shall be governed by the general revenue act, and the rights and limitations shall be the same as in other tax sales, except as provided in this act.

Irregularities
do not invali-
date sale.

SEC. 51. (*Same, irregularities.*)—Irregularities in making assessments and returns thereof, in the equalization of assessments and in the mode and manner of advertising the sale of any property shall not invalidate or affect the sale thereof, when advertised and sold for delinquent city taxes or special assessments as herein provided; nor shall the sale of any real estate for any such taxes or assessments be invalid on account of such real estate having been listed in any other name than that of the rightful owner.

Same, re-levy.

SEC. 52. [*Same, re-levy, irregularities.*]—The foregoing provisions shall apply to all taxes now due or heretofore delinquent, or that may hereafter become due or delinquent. Whenever any municipal tax or taxes levied for any former years shall remain uncollected because of any defect, error or irregularity in either the

power or manner of making the levy thereof, it shall be lawful for the mayor and council of such city to again levy the tax upon the property so delinquent in lieu of such former tax or taxes, and at the same rate and upon the same assessment as such former tax or taxes were levied, and such tax or taxes shall be inserted in the tax list and shall be collected in the same manner as other general taxes are. The city council may, at any time, correct any error or any defect, or supply any omission in the assessment or listing of any property subject to municipal tax made for the purpose of taxation for the then current fiscal year, and may require any and all persons to appear and answer under oath as to their possession or control of personal property subject to municipal taxation. These provisions shall apply equally to general municipal taxes and to special assessments, as far as the same may be applicable, unless otherwise provided in the ordinance levying the same. Special taxes and assessments shall, except deferred yearly installments for paving purposes, be deemed delinquent if not paid in fifty days after the passage and approval of the ordinance levying the same in each case, and a penalty of five (5) per cent., together with interest at the rate of one (1) per cent. a month, shall be paid on all delinquent special taxes or assessments from the time the same shall become delinquent.

SEC. 53. [*Same, county treasurer.*] — The treasurer of the county shall pay over on demand to the treasurer of any city all money

Council may
correct assess-
ments.

Special taxes,
when delin-
quent.

County treas-
urer must pay
over taxes col-
lected, when.

received by him arising from taxes levied belonging to such city, together with all money collected as a tax on dogs from the residents of such corporation for the use of the general fund therein, and also all the moneys arising from the levying of road tax against or upon property in said city, which shall be expended upon the streets and grades in said city.

Treasurer and clerk to keep books, how.

SEC. 54. [*Treasurer's books.*]—The city treasurer shall receive all moneys belonging to the city, and the clerk and treasurer shall keep their books and accounts in such a manner as the mayor and council shall prescribe. The treasurer shall keep a daily cash book, which shall be footed and balanced daily. And such books and accounts shall always be subject to inspection of the mayor, members of the council, and such other persons as they may designate.

Warrants, when drawn.

SEC. 55. [*Warrants.*]—Upon allowance of claims by the council the order for the payment shall specify the particular fund or appropriation out of which they are payable as specified in the annual appropriation bill to be passed in the manner hereinafter provided, and no order or warrant shall be drawn in excess of eighty-five per centum of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the treasury at the credit of the proper fund for its payment, and no claim shall be audited or allowed except an order or warrant of the payment thereof may legally be drawn. All warrants drawn upon the treasury must be signed by the mayor and

Ratio of warrants to the levy.

Signatures to warrants.

countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable, and for what particular object; no money shall be otherwise paid than upon such warrants so drawn; each warrant shall specify the amount levied and appropriated to the fund upon which it is drawn and the amount already expended of such fund.

What warrant must state.

SEC. 56. [*Public moneys; removal of the treasurer.*—The treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys and he is hereby expressly prohibited from using either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever. Any violation of this provision shall subject him to immediate removal from office by the city council, who are hereby authorized to declare such office vacant; and the city council shall appoint a successor, who shall hold his office for the remainder of the term unexpired of such officer so removed.

Public money must be kept separate, how.

Removal from office.

SEC. 57. [*Treasurer, annual report.*—The treasurer shall report to the mayor and council annually, and oftener if required, at such time as may be prescribed by ordinance, a full and detailed account of all receipts and expenditures during the preceeding fiscal year, and the state of the treasury. He shall also keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which

Annual report

Register of warrants.

paid, and the person to whom paid, specifying also the time of payment, and all such warrants shall be examined by the finance committee at the time of making such annual report.

Liability for diversion of funds.

SEC. 58. [*Same, diversion.*].—Each and every fund created by this act shall be strictly devoted to the purpose for which it was created and shall not be diverted therefrom, and any member of the city council voting to so divert the money in any fund shall be liable to suit for damages for the amount of funds so diverted.

Must not be diverted.

SEC. 59. [*Same, special funds.*].—All moneys received in any special assessment shall be held by the treasurer as special fund to be applied to the payment of the improvement for which the assessment was made; and such money shall be used for no other purpose whatever.

When fiscal year begins.

SEC. 60. [*Fiscal year.*].—The fiscal year of each city shall commence on the second Monday in August.

Annual appropriation bill, when made.

SEC. 61. [*Appropriation bill, annual.*].—The city council shall, within the last quarter of each fiscal year, pass an ordinance to be termed the "Annual Appropriation Bill," in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporations, not exceeding in the aggregate the amount of tax authorized to be levied during the then ensuing year; and in such ordinance shall specify the object and purposes for which such appropriations are

made, and the amount appropriated for each object or purpose. No further appropriation shall be made at any other time within such fiscal year unless the proposition to make such appropriation has been sanctioned by a majority of the legal voters of such city, either by a petition signed by them or at a general or special election duly called therefor; and all appropriations shall end with the fiscal year for which they were made;

Additional appropriations,
how made.

Provided, that the fund arising from "road taxes" and bridge taxes, as in this chapter provided, shall be deemed especially appropriated, and shall not be included in the annual appropriation ordinance; and,

Provided, further, that no warrant shall be drawn, account allowed, or debt contracted with reference to such fund unless there shall be money in the treasury for the payment thereof; and *Provided, further*, that nothing herein shall be construed to prohibit the council from appropriating other money in the annual appropriation bill for the use of streets, grades and bridges.

SEC. 62. [*Same, estimates.*].—Before such annual appropriation bill shall be passed the council shall prepare an estimate of the probable money necessary for all purposes to be raised in said city during the fiscal year for which the appropriation is to be made, including interest and principal due on the bonded debt and sinking fund, itemizing and classifying the different objects and branches of expenditures as near as may be, with a statement

Estimates of money necessary for all purposes, to be made and published, when.

of the entire revenue of the city for the previous fiscal year, and shall enter the same at large upon its minutes and cause the same to be published four weeks in some newspaper published and of general circulation in the city.

Money, how
paid out.

SEC. 63. [*Money, how expended.*].—The mayor and council shall have no power to appropriate, issue or draw any order or warrant on the treasurer for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed according to the provisions of this chapter, and appropriations for the class or object out of which such claim is payable, has been made as provided in section 61. Neither the city council nor any department or officer of the corporation shall add to the corporation expenditures in any one year, anything over and above the amount provided for in the annual appropriation bill for that year, except as herein otherwise specially provided. And no expenditure for any improvement to be paid for out of the general fund of the corporation, shall exceed in any one year the amount provided for such an improvement in the annual appropriation bill;

Provided, however, that nothing herein contained shall prevent the city council from ordering, by a two-thirds vote, the repair or restoration of any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made, or, by a like vote, from making necessary

appropriations for quarentine or hospital purposes in case of outbreak of a virulent epidemic or contagious disease. The city council may, Same, how borrowed. by a like vote, order the mayor to borrow a sufficient sum to provide for the expenses necessary to be incurred in making any repairs or restoration of improvements, the necessity of which has arisen, as is last above mentioned, for a space of time not exceeding the close of the next fiscal year, which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein.

SEC. 64. (*Power to contract.*)—No contract No contract to be made prior to appropriation. shall be hereafter made by the city council or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

SEC. 65. [*Contracts, officers not to be interested in.*]—No officer of any city shall be interested, directly or indirectly, in any contract to which the corporation, or any one for its benefit, is a party; and such interest in any such contract shall void the obligation thereof on the part of said corporation. Nor shall any officer receive any pay or perquisites from the city other than his salary, as provided by ordinance and this charter, and the city council shall not pay or appropriate any May not be interested in contracts, who.

money or other valuable thing to any person, not an officer, for the performance of any act, service or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of such corporation, unless the same is specially appropriated and ordered by a vote of three-fourths of all the members elected to the council.

Ordinances,
how passed
and authenti-
cated.

SEC. 66. [*Ordinances, rules for passing.*].— All ordinances shall be passed pursuant to such rules and regulations as the council may provide, and all such ordinances may be proved by the certificate of the clerk under the seal of the city, and when printed or published in book or pamphlet form, and purporting to be published by authority of the city, shall be read and received in evidence in all courts and places without further proof. The passage, approval and publication or posting of said ordinances shall be sufficiently proved by a certificate under the seal of the city, from the clerk thereof, showing that such ordinance was passed and approved, and when and in what paper the same was published, and when and by whom, and where the same was posted up. And when ordinances are published in book or pamphlet form, purporting to be published by authority of the city council, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts, without further proof.

SEC. 67. [*Ordinances, style.*]^{Same, style.}—The style of ordinances shall be: "Be it ordained by the mayor and council of the city of——," and all ordinances of a general nature shall, within one month after they are passed, be published^{Publication.} in some newspaper published within the city, or in pamphlet form, to be distributed or sold, as may be provided by ordinance, and every ordinance fixing a penalty or forfeiture for its violation shall, before the same takes effect, be published for at least one week in the manner above prescribed; *Provided, however,* That in^{Same, in emergencies.} case of riots, infections, or contagious diseases or other impending danger, or any other emergency requiring its immediate operation, such ordinances shall take effect upon the proclamation of the mayor, immediately upon its first publication as above provided.

SEC. 68. [*Ordinances, powers.*]^{Special powers by ordinance.}—In addition to the powers herein granted, cities governed under the provisions of this act shall have power by ordinance:

I. To levy taxes.—To levy taxes for gener-^{Taxes.}al revenue purposes, on all property within the limits of the said city taxable according to the laws of the state of Nebraska.

II. Same, special assessments.—To levy any^{Assessments.} other tax or special assessment authorized by law, and to appropriate money, and provide for the payment of the debts and expenses of the city.

III. Streets, grades and repairs —To pro-^{Streets.}vide for the grading and repairing of any street, avenue or alley, and the construction of bridges,

culverts and sewers, and shall defray the repairs of the same out of the proper fund of such city; but no street shall be graded except the same be ordered done by the affirmative vote of two-thirds of the city council.

Same.

IV. Same, care for, control, name and re-name.—To open, widen, or otherwise improve, vacate, care for, control, name and re-name any street, avenue, alley or lane, parks and squares, within the limits of the city, and also to create, open and improve any new street, avenue, alley or lane; *Provided*, That all damages sustained by the owners of the property thereon shall be ascertained in the manner herein provided.

Reversion of
vacated
streets.

Provided, further, That whenever any street, avenue, alley or lane shall be vacated, the same shall revert to the owners of the adjacent real estate, one-half on each side thereof; and *provided, further*, that when an alley is taken wholly from one lot, upon vacation thereof it shall revert wholly to the owner or owners of the lot from which said alley was originally taken.

Same, sprink-
ling.

V. [Same, sprinkling.]—On written petition of not less than one-half of the owners of feet front of the land fronting on any street or any specified part thereof, the mayor and council may order such street or such specified part thereof to be sprinkled with water at such time or times as the council may deem proper. Such sprinkling shall be done by contract, awarded to the lowest bidder in each case, or for the entire city or specified district thereof. To pay the expense of such sprinkling, the

council may make special assessments upon the lands abutting upon such street or specified part thereof, either on the valuation thereof, or listed for taxation, or by foot front. Such assessments shall be collected as special taxes.

VI. Same, sidewalks, sewers.—To construct Sidewalks, or repair sidewalks, sewers and drains on any highway therein, and to levy a special tax on the lots and parcels of land fronting on such highway or alley to pay the expenses of such improvement. But unless a majority of the resident owners of the property subject to assessment for such improvement petition the council to make the same, such improvement shall not be made until three-fourths of all the members of such council shall, by vote, assent to the making of the same.

VII. Same.—To provide for the laying of Plank Walks, temporary plank sidewalks upon the natural surface of the ground without regard to grade, on streets not permanently improved, and to provide for the assesment of the cost thereon on the property in front of which the same shall be laid.

VIII. Same, special assesments for.—Assess- Special assess-
ments for the
purposes
named in the
last two pre-
ceding subdivi-
sions. ments made under the last two (2) preceding subdivisions of this section shall be made and assessed in the following manner; First, such assessment shall be made by the council at any meeting by a resolution fixing the cost of the construction or repairs of such work along the lot adjacent thereto as a special assessment thereon, the amount charged against the same, which, with the vote thereon by yeas and nays,

Notice must
be given.

shall be spread at length upon the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in some newspaper published and of general circulation in said city, at least ten days before the same shall be held, or in lieu thereof personal service may be had upon persons owning or occupying property to be assessed. Second, all such assessments shall be known as "Special Assessments for Improvements" and with the cost of notice shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, subject to the same penalties and collected in like manner as other city taxes, but such special assessment shall draw interest at one per cent. per month; the same shall be entered by the city clerk on the tax list of the current year, and shall be collected by the treasurer as provided by law.

Occupation
tax.

IX. License, business.—To raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city, and regulate the same by ordinance. All such taxes shall be uniform in respect to the class upon which they are imposed; *Provided, however*, that all scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and all other musical entertainments given exclusively by the citizens of the city.

Dog tax.

X. Same, dogs.—They shall collect a license tax of not less than one or more than three dollars upon the owners and harborers of dogs,

and enforce the same by appropriate penalties and shall cause the destruction of any dog, the owner or harbinger or which shall refuse or neglect to pay such license tax; *Provided*, That no such license shall authorize the keeping, owning, or harboring more than one dog. To regulate, license or prohibit the running at large of dogs, and guard against injuries or annoyances therefrom and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance.

XI. Streets, obstructions to.—To remove all obstructions from the side-walks, curbstones, gutters and cross-walks at the expense of the owners or occupiers of the grounds fronting thereon, or at the expense of the person placing the same there, and to require and regulate the planting and protection of shade trees in the streets, the building of bulk-heads, cellars and basement ways, stairways, railways, window and door ways, awnings, hitching posts and rails, lamp posts, awning posts, and all other structures projecting upon or over an adjoining excavation through and under the side-walks in said city.

Removal of obstructions.

Planting of trees.

XII. Same, horses standing.—To compel persons to fasten their horses (or other animals) attached to vehicles while standing in the streets and provide penalties for the neglect thereof.

Teams, hitched where.

XIII. Same, regulate traffic. To regulate the transportation of articles through the streets, and to prevent injuries to the streets from over-loaded vehicles.

Transportation.

Driving, traffic
and sale upon
streets to be
regulated.

XIV. Same, obstructions, fast driving, etc.—

To prevent and remove all encroachments into and upon all sidewalks, streets, avenues, alleys, and other city property, and to prevent and punish all horse-racing, fast driving, or riding in the streets, highways, alleys, bridges, or place in the city, and all games, practices, or amusements therein likely to result in damage to any person or property; to regulate, prevent and punish the riding, driving, or passing of horses, mules, oxen, cattle or other teams or any vehicle drawn thereby, over, upon, or across sidewalks or along any street of the city; to regulate and prevent the use of street, sidewalks and public ground for signs, sign posts, awnings, telegraph, telephone or other poles, racks, bulletin boards, and the posting of hand-bills and advertisements; to regulate traffic and sales upon the streets, sidewalks, and public places; to punish and prohibit cruelty to animals; to regulate and prevent the moving of buildings through or upon the streets.

Gas, electric,
and other light
works.

XV. Same, lighting and gas. — To make contracts with and authorize any person, company, or association to erect gas works, electric or other light works, in said city, and give such persons, company, or association the privilege of furnishing light for the streets, lanes and alleys of said city, for any length of time not exceeding five years.

Street lighting
and telegraph
wires.

XVI. Same, regulate laying mains.—To provide for the lighting of streets, laying down of gas pipes, and erection of lamp posts, and to regulate the sale and use of gas, and electric

or other lights, and charge therefor, and rent of gas-meters within the city, and to require the removal from the streets, avenues and alleys, and the placing under ground of all telegraph, electric and telephone wires.

XVII. Same, depots, street railroads.—To Street rail ways. regulate levees, depots, depot grounds and places for storing freights and goods, and to provide for and regulate the passage of railways through the streets and public grounds of the city, reserving the rights of all persons injured thereby.

XVIII. Railways, regulate.—To regulate the Railways, regulation of crossing of railway tracks, and to provide precautions and prescribe rules regulating the same, and to regulate the running of railway engines, cars and trucks within the limits of said city, and prescribe rules relating thereto, and govern the speed thereof, and make any other and further provisions, rules and restrictions to prevent accidents at the crossings and on the tracks of railways, and to prevent fires from engines, and to regulate and prescribe the manner of running street cars, to require the heating and cleaning of the same, and to fix and determine the fare charged. To require Lighting rail-ways. the lighting of any railway within the city, the cars of which are propelled by steam, in such manner as they shall prescribe, and fix and determine the number, style and size of the lamp posts, burners, lamps and all other fixtures and apparatus necessary for such lighting, and the points of location for such lamp posts, and in case the company owning or operat-

Flagmen.

ing such railway shall fail to comply with such requirements, the council may cause the same to be done and may assess the expense thereof against such company, and the same shall constitute a lien on any real estate belonging to such company, and lying within such city, and may be collected in the manner as taxes for general purposes; to require railroad companies to keep flagmen at all railroad crossings of streets, and provide protection against the injury to persons and property in the use of such railroads; to compel any railroad to raise or lower their railroad tracks, to conform to the general grade which may at any time be established by such city, and where such tracks run lengthwise through or over any street, alley, or highway, to keep the same level with the street surface; to compel and require railroad companies to keep open the streets and to construct and keep in repair ditches, drains, sewers, culverts, along and under their railroad tracks, and to pave their whole right of way on all paved streets, and keep the same in repair.

To condemn private property for public use, how.

XIX. Eminent domain.— To exercise the power of eminent domain and to take private property for public use, within or without the city, for the purpose of erecting or establishing market houses and market places, streets, hospitals, public buildings, cemeteries, or for any necessary or authorized public purpose. *Provided*, however, that in all cases, the city shall make the person or persons whose property shall be taken or injured thereby adequate com-

pensation therefor, to be determined by proceedings instituted in the county court and conducted as by law provided for condemnations by railway companies.

XX. Libraries, reading rooms. — To es-Libraries, etc. establish and maintain public libraries and reading rooms, to purchase books, papers, maps and manuscript therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise, and pass necessary by-laws and regulations for the protection and government of the same.

XXI. Parks, public grounds. — To hold and Parks. improve public grounds and parks within or without the limits of the city, and provide for the protection and preservation of the same, and to provide for the planting and protection of shade or ornamental and useful trees.

XXII. Borrow money. — To borrow money on Public credit. the credit of the city and to pledge the credit, revenue and public property of the city for the payment thereof, when authorized in the manner herein provided.

XXIII. Issue bonds. — To provide for issuing Bonds, how issued. bonds for the purpose of funding any and all indebtedness now existing or hereafter created of the city, now due or to become due; floating indebtedness shall only be funded by authority of a vote of the people, but the mayor and council may by a two-thirds vote issue bonds to pay off any bonded debt, without a vote of the people, at a not higher rate than the debt.

XXIV. Sinking fund. — To make provisions Must make provisions for a sinking fund.

for a sinking fund to pay accruing interests, and to pay at maturity the principal of the bonded indebtedness of the city, and to levy and collect taxes on all the taxable property in the city, in addition to other taxes, for the purpose of paying the same, and to provide that the said tax shall be paid in cash; and whenever any city has heretofore issued bonds by virtue of any special authority derived from the legislature of the territory or state, the council shall have the power to levy and collect taxes for the purpose of paying such bonds as is provided in laws giving such authority.

Wards

XXV. Wards.—To divide the city into wards, establish the boundaries thereof and number the same.

Registration of voters.

XXVI. Elections.—To provide for the registration of voters, and may prohibit persons from voting at any or all city elections who shall not have first complied with such regulations and have been registered as required by such ordinance. Such ordinance or ordinances may be repealed, re-enacted, and amended from time to time, as in other cases; *Provide*, That the registration of the last general election shall be valid for any special election. To appoint judges of all elections provided by ordinances for the election of city officers, and prescribing the manner of conducting the same, and the return thereof, and for deciding contested elections, and for holding special elections for any purpose herein provided.

Primary elections.

XXVII. Pimaries.—To regulate the holding of primary elections, at which no person shall

be permitted to vote, except such person be an elector of the city and affiliated with the political party holding such primary election at the last prior general election. That judges at such primary elections shall be sworn, and may administer oaths, and that any person violating the regulations so established or who, being disqualified, shall vote at such primary election, or who shall aid, counsel or abet any disqualified person in voting thereat, may be fined in any sum not exceeding one hundred (\$100) dollars nor less than twenty (\$20) dollars, and shall stand committed till such fine and costs are paid, and shall be disqualified to vote at any city or primary election for the period of one year thereafter.

Penalty for illegal voting.

XXVIII. Officers, removal.—To provide for removing officers of the city for misconduct, whose offices are created and made elective by this act, and shall have power to create any office that they may deem necessary for the good government and interest of the city, and to provide for filling such vacancies as may occur in any elective office by appointment by the mayor, by assent of the council, to hold until the next general election.

Removal, and power to create an office.

XXIX. Officers, regulate power and compensation.—To regulate and prescribe the powers and duties and compensation of the officers of the city not herein provided for.

Regulation of officers.

XXX. Official bonds.—To require all officers or servants, elective or appointed in pursuance of this act, to give bond and security for the faithful performance of their

Official bonds.

duties. No officer shall become security upon the official bond of another or upon any contractor's bond, license or appeal bond given to the city, or under any ordinance thereof, or from convictions in the police court.

Official reports.

XXXI. Reports.—To require from any officer of the city at any time a report in detail of the transactions in his office or of any matters connected therewith.

XXXII. Census.—To provide for and cause to be taken, the census of the city.

Market house regulation.

XXXIII. Market houses and places.—To purchase and own grounds for, and to erect and establish market houses and market places, and to regulate and govern the same, and also to contract with any person or persons, or associations of persons, companies or corporations, for the erection and regulation of said market houses and market places, on such terms and conditions, and in such manner as the council may prescribe, and raise all necessary revenue therefor, as herein provided. And to provide for the erection of all other useful and necessary buildings for the use of the city, and for the protection and safety of all property owned by the city, and they may locate such market houses and market places and buildings aforesaid on any streets, alleys or public grounds, or on any land purchased for such purpose, and to establish, alter, and change the channels of streams and water courses within the city, and bridge the same: *Provided*, That any such improvement costing in the aggregate a sum greater than five thousand dollars shall not be author-

ized until the ordinance providing therefor shall be first submitted to and ratified by a majority of the legal voters of such city voting thereon.

XXXIV. Water tax.—To fix the rate of tax Water tax. to be paid for the use of water furnished by the city, or any person or corporation by means of water works.

XXXV. Water ways.—To establish, alter Same, ways. and change the channels of water courses, and to wall and cover them over, to establish, make and regulate public wells, cisterns, aqueducts, and reservoirs of water, and to provide for filling the same.

XXXVI. Sewerage districts.—To lay off the Sewerage and drainage. city into suitable districts for the purpose of establishing a system of sewerage and drainage; to provide such system and regulate the construction, repairs, and use of sewers and drains, and all proper house connections and branches, and to provide penalties for any obstruction of, or injury to, any sewer or part thereof, or for violation of such regulations.

XXXVII. Fire.—To provide for the organiza- Fire department. tion and support of a fire department, to procure fire engines, hooks, ladders, buckets and other apparatus, and to organize fire engine, hook and ladder and bucket companies, and prescribe rules of duty and the government thereof, with such penalties as the council may deem proper, not exceeding one hundred dollars, and make all necessary appropriation therefor, and establish regulations for the prevention and extinguishment of fires. To prescribe limits Fire limits. within which no building shall be constructed

except of brick, stone or other incombustible material, with fire-proof roof, and to impose a penalty for the violation of such ordinance, and to cause the destruction or removal of any building constructed or repaired in violation of such ordinance; and after such limits are established no special permits shall be given for the erection or reparation of buildings of combustible material. To regulate the construction and inspection of and order the suppression of and cleaning of fire-places, chimneys, stoves, stove-pipes, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory, or business which may be dangerous in causing or promoting fires, and to prescribe limits within which dangerous or obnoxious and offensive business may be carried on.

Regulation of
weights and
measures.

XXXVIII. Weights and measures.—To establish standard weights and measures, and regulate the weights and measures to be used in the city, and to regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided by law, and to prohibit and punish the use of imperfect weights, measures, and weighing apparatus.

Same, inspection.

XXXIX. Same, inspection.—To provide for the inspection and weighing of hay, grain and coal, the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal and wood; and to fix the fees and duties of persons authorized to perform such duties.

Police regulation.

XL. Police, regulate.—To regulate the police

of the city, establish and support a night watch, and to impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment, to provide for confinement in the city prison, or to hard labor in the city upon the streets or elsewhere, for the benefit of the city.

XLI. Suppress indecencies.—To restrain, pro-^{Indecencies, suppression of.}hibit, and suppress unlicensed tippling shops, billiard tables, bowling alleys, houses of prostitution, opium joints, dens, and other disorderly houses and practices, games and gambling houses, desecration of the Sabbath day,^{Sabbath desecration.} and to prohibit all public amusements, shows, exhibitions, or ordinary business pursuits upon said day, and all lotteries or fraudulent devices and practices for the purpose of obtaining money or property, and all shooting galleries and all kinds of public indecencies.

XLII. Disorderly assemblies.—To prevent^{Disturbances.} and restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city; to regulate, punish, and prevent the discharge of fire-arms, rockets, powder, fire-works, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any buildings; to regulate, prevent, and punish the carrying of concealed weapons; to arrest, regulate, punish, fine, or set at work on the streets or elsewhere, all vagrants and persons found in^{Vagrants.} said city without visible means of support or

Explosives. some legitimate business; to regulate and prevent the transportation or storage of gunpowder or other explosive or combustible articles, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, dynamite, petroleum or any of the productions thereof, and other material of like nature, and the use of lights in stables, shops, or other places, and the building of bonfires; to regulate and prohibit the piling of building material, or any excavation or obstruction in the street.

Punishment of minor offences. XLIII. Same.—To provide for the punishment of persons disturbing the peace and good order of the city by clamor and noise, by intoxication, drunkenness, fighting, or using obscene or profane language in the streets or other public places, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd or lascivious behaviour.

Same, vagrants and tramps. XLIV. Vagrants, tramps.—To provide for the punishment of vagrants, tramps, or common street beggars, common prostitutes, habitual disturbers of the peace, pickpockets, gamblers, burglars, thieves, watch stuffers, ball game players, persons who practice any game, trick, or device with intent to swindle; persons who abuse their families, and suspicious persons who can give no reasonable account of themselves.

Drainage. XLV. Drainage.—To require any and all lots or pieces of ground within the city to be drained or filled, so as to prevent stagnant water or any other nuisance accumulating thereon, and upon the failure of the owners of such lots or pieces of ground to fill or drain the

same when so required, the council may cause such lots or pieces of ground to be drained or filled, and the cost and expense thereof shall be levied upon the property so filled or drained, and collected as any other special tax.

XLVI. Nuisance.—To prevent any person Nuisance. from bringing, depositing, having, or leaving upon or near his premises, and elsewhere within the city, any dead carcass and putrid beef, pork, fish, hides, or skins of any kind, or any other unwholesome substance, and to compel the removal of the same.

XLVII. Regulate halls, churches, etc.—To Buildings used for the assembly of citizens to be regulated. regulate, license, or suppress halls, opera houses, churches, places of amusement, entertainment, or instruction, or other buildings used for the assembly of citizens, and to cause them to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire, and for escape Fire escapes. from such place in case of fire, and to prevent the over-crowding, and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens, or other appliances therein, and to provide that for any violation of any such regulation a penalty of two hundred dollars (\$200) shall be imposed, and upon Penalty for violation of ordinances. conviction of any such licenses of any violation of any ordinance regulating such places, the license of any such place shall be revoked by the mayor and council; and whenever the mayor and council shall by resolution declare Unsafe buildings. any such place to be unsafe, the license there-

of shall be thereby revoked, and the council may provide that in any case where they have so revoked a license, any owner, proprietor, manager, lessee, or person opening, using or permitting such place to be opened or used for any purpose involving the assemblage of more than twelve persons, shall upon conviction thereof be deemed guilty of a misdemeanor, and fined any sum not exceeding two hundred dollars.

Same, construction.

XLVIII. Same, construction of buildings.—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and prescribe the number and construction of means of exit and entrance, and the number and construction of fire escapes, and to require the keeper or proprietor of any hotel boarding house or dormitory to provide and maintain such sufficient and such number of ladders, ropes, balconies, and stairways, and other appliances as by ordinance may be prescribed to facilitate the escape of persons from any such building in case of fires.

Animals.

LXIX. Domestic animals—To regulate or prohibit the running at large of cattle, hogs, horses, mules, sheep, goats, dogs, and other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibitions, and the fees and expense of impounding and keeping the same, and of such sale.

Pounds.

L. Pounds.—To provide for the erection of all needful pens, pounds and buildings

for the use of the city, within or without the city limits, and to appoint and compensate keepers thereof, and establish and enforce rules governing the same.

LI. Auctions. — To regulate, license or prohibit the sale of domestic animals, or of goods, wares and merchandise, at public auction on the streets, alleys, highways, or any public grounds within the city; to regulate or license the auctioneering of goods, wares and merchandise. Auctions.

LII. Contagious diseases. — To make regulations to prevent the introduction of contagious, infectious or malignant diseases into the city, and to create a board of health to make quarantine laws for that purpose and enforce the same within five miles of the city. Board of health.

LIII. Hospitals, work houses, etc. — To erect, establish and regulate hospitals and work houses and poor houses, houses of correction, jails, station houses, and other necessary buildings, and to provide for the support and government of the same. Necessary public buildings.

LIV. Health. — To make regulations to secure the general health of the city; to prescribe rules for the prevention, abatement and removal of nuisances; to make and prescribe regulations for the construction, location and keeping in order of all slaughter houses, stock yards, ware houses, stables, or other places where offensive matter is kept or is likely to accumulate within the corporate limits or within five miles thereof. Sanitary regulations.

LV. Cemeteries. — To purchase, hold, and pay Cemeteries.

for, in the manner herein provided, lands not exceeding eighty acres, in one body, outside of the limits of such city, for the purpose of the burial of the dead, and all necessary grounds for hospital grounds and water works, and to have and exercise police jurisdiction over the same, and over any cemetery lying near said city, and used by inhabitants thereof.

Improvements of.

LVI. Same.—To survey, plat, map, grade, fence, ornament and otherwise improve all burial and cemetery grounds, and avenues leading thereto owned by such city; to construct walks, rear and protect ornamental trees therein, and provide for paying the expenses thereof.

Title in fee simple to lots, how obtained.

LVII. Same.—To convey cemetery lots owned by such city, by certificates, signed by the mayor, and countersigned by the clerk under the seal of the city, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number as laid down on such plat or map, for the purpose of interment, and such certificate shall vest in the proprietor, his or her heirs and assigns, a right in fee simple of such lot for the sole purpose of interment, under the regulation of the city council, and such certificate shall be entitled to be recorded in the office of the register of deeds of the proper county without further acknowledgement, and such description of lots shall be deemed and recognized as a sufficient description thereof.

Adornment of lots.

LVIII. Same, lots.—To limit the number of cemetery lots which shall be owned by the same person at the same time; to prescribe rules

for inclosing, adorning and erecting monuments and tomb-stones on cemetery lots; to prohibit any diversion of the use of such lots and any improper adornment thereof, but no religious test shall be made as to the ownership of lots, the burial therein, or the ornamentation of graves or lots.

LIX. Same, rules.—To pass rules and ordinances imposing penalties and fines not exceeding one hundred dollars, regulating, protecting and governing the cemetery, the owners of lots therein, visitors thereof, and trespassers therein. And the officers of such city shall have as full jurisdiction and power in the enforcing of such rules and ordinances as though they related to the city itself.

Rules and the enforcement thereof.

LX. Same, regulate.—To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of the state as may be expedient, in addition to the special powers in this section granted, maintaining the peace, good government and welfare of the city, and its trade, commerce and manufactories, and to enforce all ordinances by inflicting penalties for the violation thereof not exceeding one hundred dollars for any one offense, recoverable with costs, together with judgment of imprisonment, until the amount of said judgment and cost shall be paid.

Penalties for violation of ordinances.

LXI. Council, president of.—To elect one of their own body, who shall be styled the "President of the Council," and who shall preside at all meetings of the council in the absence of the mayor; and in the absence of the presi-

President of the council.

Acting
President.

dent, to elect one of their own body to occupy his place temporarily, and who shall be styled "Acting President of the Council;" and the president and acting president, when occupying the place of mayor, shall have the same privileges as other members of the council, and all acts of the president or acting president while so acting, shall be as binding upon the council and upon the city as if done by the mayor.

Revision.

LXII. Ordinances, revision of.—To provide for the revision of the ordinances from time to time and for their publication in pamphlet or book form, with or without the statutes relative to cities governed by this act.

Paving.

LXIII. Paving.—The council shall have power to open, extend, widen, narrow, grade, curb, gutter, and pave, or otherwise improve and keep in good repair or cause the same to be done, in any manner they may deem proper, any street, avenue or alley within the limits of the city, and may grade partially or to the established grade or park, or otherwise improve any width or part of any such street, avenue, or alley, and may also construct and repair, or cause and compel the construction and repair of sidewalks in such city, of such material and in such a manner as they may deem proper and necessary, and to defray the cost and expense of such improvements or any of them, the mayor and council of such city shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to or abutting upon the

Special taxes.

street, avenue, alley or sidewalk thus in whole or in part opened, widened, curbed and guttered, graded, parked, extended, constructed, or otherwise improved or repaired, or which may be especially benefitted by any of said improvements; *Provided*, That the above provisions shall not apply to ordinary repairs of streets or alleys and one-half of the expenses of bringing streets, avenues, alleys, or parts thereof to the established grade shall be paid out of the general or road fund of the city; *Provided, further*, The mayor and council of any city governed by this act shall have the power by ordinance to establish the grade of any street, avenue or alley in the city, and when the grade of any street, avenue or alley shall have been heretofore established, or when the grade of any street, avenue or alley shall be established and approved as herein provided, the grade of no street or part of a street shall be changed unless the consent in writing is first obtained of the owners of lots or lands abutting upon the street or part of the street where such change of grade is to be made, who represents a majority of the feet thereon, and not then until the damages to property owners which may be caused by such change of grade shall have been assessed and determined by three disinterested freeholders who shall be appointed by the mayor and council for that purpose, who shall make such appraisment, taking into consideration the benefits, if any, to such property and file their report with the city clerk, and the amount of damages so assessed shall

Ordinary repairs, do not apply.

be tendered to such property owners or their agents as soon as the funds for that purpose are obtained from the assessments of such damages upon property benefitted by reason of such change of grade or otherwise realized, provided that no street, avenue, or alley shall be worked to such change of grade until the damages so assessed shall be tendered to such property owners or their agents. Before any street, avenue, or alley shall be ordered graded, the damages, if any, by reason of such grading to property along that portion of the street proposed to be graded, including approaches thereto, shall first be ascertained and determined by three disinterested freeholders, who shall be appointed by the mayor and council for that purpose, who shall make such appraisal, taking into consideration the benefits, if any, to such property, and who shall exclude any damages resulting from any change or changes of the original or first established grade, and the amount of damages so assessed, unless an appeal is taken, shall be due and payable to such property owners, or their agents, in sixty days after the completion and acceptance of such work of grading; *Provided, further,* That where any street is to be graded under the provisions of this section, but not to the established grade, it shall be done only after the owners representing a majority of the front feet of the property abutting on the part of such street to be so partially graded shall have petitioned the city council for such work to be done; *Provided, further,* That in case the

Petition for
grade.

grade of any street or part of street used by the public shall not have been established, or in case any street or part thereof shall not have been worked to grade, then, in such case, the owner or owners of any lot, lots, or lands abutting on such streets, or portion thereof, as aforesaid, may only be required to construct or repair the sidewalks, along such street, or part thereof, with plank as the council may direct in such case; and *Provided, further*, That in case the owner or owners of any such lot, lots, or land abutting on such street or portion thereof shall fail to construct or repair such sidewalks in the manner and within the time as directed and required by the council in each case, after having received due notice to do so, they shall be liable to all damages or injury occasioned by reason of the defective or dangerous condition of any such sidewalk; and, *Provided, further*, That curbing and guttering shall not be ordered or required to be laid on any street, avenue or alley not ordered to be paved, except on the petition of a majority of the owners of the property abutting along the line of that portion of the street, avenue or alley to be curbed and guttered. The mayor and council of any city governed by this act shall have power to pave, repave or macadam any street or alley, or part thereof, in any city, and for that purpose to create suitable paving districts, which shall be consecutively numbered, such work to be done under contract and under the superintendence of the board of public works of the city; when-

Plank sidewalks.

Defective sidewalks. When property owners are liable.

Petition for curbing and guttering.

Paving districts.

ever the owners of lots or lands abutting upon the street or alleys within any paving district, representing a majority of feet front thereon, shall petition the council to pave, re-pave, or macadam such street or alleys, it shall be the duty of the mayor and council to pave, repave or macadam the same, and in all cases of paving, repaving or macadamizing there shall be used such material as majority of the owners shall determine upon; *Provided*, The council shall be notified in writing by said owners of such determination within thirty days next after the passage and approval of the ordinance ordering such paving repaving or macadamizing. In case such owners fail to designate the material they desire used in such paving, repaving or macadamizing in the manner and within the time above provided, the mayor and council shall determine upon the material to be used. The cost of paving, macadamizing, or repaving the streets and alleys within any paving district, except the intersections of streets and space opposite alleys within such districts, shall be assessed upon the lots and lands especially benefitted thereby in such district in proportion to such benefits, to be determined by the mayor and council under the provisions of this act. The assessment of the special taxes for paving purposes herein provided for shall be made as follows: The total cost of the improvement shall be levied at one time upon the property and become delinquent as herein provided: One-tenth (1-10) of the total amount shall become delinquent in fifty (50) days after such

Petition for paving.

Notification of material to be used.

Shall assess lots adjoining.

Method of assessment.

Periods of delinquency.

levy, one-tenth (1-10) in one year, one-tenth (1-10) in two years, one-tenth (1-10) in three years, one-tenth (1-10) in four years, one-tenth (1-10) in five years, one-tenth (1-10) in six years, one-tenth (1-10) in seven years, one-tenth (1-10) in eight years, one-tenth (1-10) in nine years. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven per cent. per annum from the time of the levy aforesaid until the same shall become delinquent, and after the same shall become delinquent, interest at the rate of one per cent per month shall be paid thereon as in the case of other special taxes. Such taxes shall be collected and enforced as in other cases of special taxes.

In case of omissions, errors or mistakes Supplemental assessments. in making such assessment or levy in respect of the total cost of the improvement, or deficiencies, or otherwise, it shall be competent for the council to make a supplemental assessment and levy to supply such deficiencies, omissions, errors or mistakes.

The cost of paving, macadamizing or re-paving the intersections of streets and space opposite alleys in any paving district shall be paid by the city as hereinafter provided, but nothing herein contained shall be construed to exempt any street or other railway company from paving or re-paving its whole right of way, including all space between and one foot beyond their outer rails, at its own cost, whenever any street shall be ordered paved or re-paved by the mayor and council of the city as provided by law; and,

Provided, further, That no street or other railway company shall enter upon or occupy any paved street within five years after said paving shall have been completed, until they shall have paid into the city treasury the original cost of paving between and one foot beyond the outer rail, which sum shall be credited on the special assessments upon the abutting lots, and if said special assessment shall have been paid, then said money shall be paid the same as any other claim to the party paying such special assessments, by the city treasurer.

District paving
bonds.

For the purpose of paying the cost of paving, macadamizing or re-paving the streets and alleys in any paving district, exclusive of the intersection of streets and space opposite alleys therein, the mayor and council shall have power and may, by ordinance, cause to be issued bonds of the city, to be called, "District Paving Bonds of District No.," payable in not exceeding ten years from date, and to bear interest, payable annually, not exceeding the rate of seven per cent. per annum with interest coupons attached, and in such case shall also provide that said special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest; *Provided*, that the entire cost of paving, repaving, or macadamizing any such streets or alleys properly chargeable to any lots or lands within any such paving district according to the front feet thereof, may be paid by the owner of such lots or lands within fifty days from the levy of such special taxes, and thereupon such lot or land shall

Payment shall
exempt.

be exempt from any lien or charge therefor.

Said bonds shall not be sold for less than their par value, and if said assessment or any part thereof shall fail or for any reason be invalid, the mayor and council may make other and further assessments upon said lots or lands as may be required to collect from the same the cost of any paving or macadamizing properly chargeable thereto as herein provided. Whenever the mayor and council deem it expedient, they shall have power for the purpose of paying the cost of paving, repaving, or macadamizing the intersections of streets and spaces opposite alleys in the city, to issue bonds of the city to run not more than twenty years, and to bear interest payable semi-annually, at a rate not exceeding six per cent. per annum, with coupons attached, to be called "Paving Bonds," and which shall not be sold for less than par, and the proceeds of which shall be used for no other purpose than paying for the cost of paving, repaving, or macadamizing the intersections of streets and alleys in the city.

Cannot sell for
less than par
value.

Provided, That the aggregate amount of such bonds issued in any one year shall not exceed the sum of fifty thousand (\$50,000) dollars; and, *Provided, further*, That no such bond shall be issued until the question of issuing the same has been submitted to the electors of the city, at a general or special election therein, and authorized by a vote of the majority of the electors voting at such election; *Provided, further*, That if in any city governed by

Maximum
amount.

the provisions of this act there shall be any real estate belonging to any county, school district, or other municipal or quasi-municipal corporation abutting upon the street whereon paving or other special improvements have been ordered, it shall be the duty of the board of county commissioners, board of education, or other proper officers, to pay such special taxes; and, in the event of the neglect or refusal of such board or other officers to levy and collect the taxes necessary to pay for such improvements, the city may recover the amount of such special taxes in a proper action, and the judgment thus obtained may be enforced in the same manner as other judgments against municipal corporations.

"Lot" defined.

The word "lot" as in the act used, shall be taken to mean a "lot" as described and designated upon the recorded plat of any such city, and in case there is no recorded plat of any such city, it shall mean a lot as described and designated upon any generally recognized map of such city.

"Land" defined.

The word "land" shall mean any subdivided real estate.

Depth of lot, how determined for assessment.

Provided, That if the lots and real estate abutting upon that part of the street ordered paved, repaved or macadamized as shown upon any such recorded plat, or map, are not of a uniform depth, or if for any other reason it shall appear just and proper to the mayor and council, the mayor and council are authorized and empowered to determine and establish the depth to which the real estate shall be charged

and assessed, with the cost of improvement, which shall be determined and established according to benefits accruing to the property by reason of the improvement.

Real estate may be so charged and assessed to a greater depth of the lots, as shown upon any such plat or map, the mayor and council may, in their discretion, include all the real estate to be charged and assessed with the cost of such paving or improvement in the paving districts in this section hereinbefore provided for, but are not required to so do, and the mayor and council may in their discretion, in determining whether the requisite majority of owners who are hereinbefore authorized to petition for paving, repaving or macadamizing and to determine the kind of material to be used therefor, having joined in such petition and determination, consider and take into account all the owners of real estate to be charged and assessed with the cost of improvement, or only such as own real estate that in fact abuts upon the part of the street proposed to be so improved. The provisions of this section in regard to the depth to which the real estate may be charged and assessed shall apply to all special taxes that may be levied, in proportion to the foot front in cities governed by this act.

Whenever curbing or curbing and guttering is done upon any street or avenue in any paving district in which paving has been ordered, and the mayor and council shall deem it expedient so to do, they shall have power and

Curbing and guttering bonds, rate of interest.

Assessment,
curbing and
guttering.

Same, delin-
quency.

Payment un-
der protest in
writing.

Suit for
recovery.

authority, for the purpose of paying the costs of such curbing and guttering, to cause to be issued bonds of the city, to be called "curbing and guttering bonds of paving districts No—," payable in not exceeding ten years from date; and to bear interest, payable annually, not exceeding the rate of seven per cent. per annum, with interest coupons attached, and in all such cases shall assess at one time the total cost of such curbing and guttering, or curbing, as the case may be, upon the property abutting or adjacent to the portion of the street or avenue so improved, according to special benefits, such assessments to become delinquent the same as the assessment of special taxes, for paving purposes, and to draw the same rate of interest and to be subject to the same penalties, and may be paid in the same manner as special taxes for paving purposes, and the special tax so assessed shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value.

Any party feeling aggrieved by any such special tax or assessment, or proceeding, may pay the said special taxes assessed and levied upon his, her or its property, or such installments thereof as may be due at any time before the same shall become delinquent, under protest, and with notice in writing to the city treasurer that he intends to sue to recover the same back, which notice shall particularly state the alleged grievance and the ground thereof; whereupon such party shall have the right to

bring a civil action within sixty days thereafter, and not later, to recover back so much of the special taxes paid as he shall show to be illegal, inequitable and unjust, the costs to follow the judgments, or to be apportioned by the court as may seem proper, which remedy shall be exclusive. The city treasurer shall promptly report all such notices to the city council for such action as may be proper.

No court shall entertain any complaint that the party was authorized to make and did not make to the city council sitting as a board of equalization, nor any complaint not specified in said notice fully enough to advise the city of the exact nature thereof, nor any complaint that does not go to the ground work, equity and justice of the tax. The burden of proof to show such tax or part thereof invalid, inequitable, and unjust shall rest upon the party who brings such suit. Burden of proof rests with plaintiff.

SEC. 69. [*Same, contracts for.*—All grading, paving, macadamizing or guttering of any streets, avenues or alleys in the city for which or any part thereof a special tax shall be levied, shall be done by contract with the lowest responsible bidder, to be determined by the council. By contract, when.

SEC. 70. [*Same, street intersections.*—The cost and expense of grading, filling, paving, curbing, guttering or otherwise improving, constructing or repairing streets, avenues, alleys and sidewalks at their intersections, may be included in the special tax levied for the construction or improvement of any one Intersections.

street, avenue, alley or sidewalk, as may be deemed best by the council.

Special taxes,
due when.

SEC. 71. [*Special taxes, when due.*].—Such special taxes shall be due and may be collected as the improvements are completed in front of or along or upon any block or piece of ground, or at the time the improvement is entirely completed, or otherwise, according as shall be provided in the ordinance levying the tax.

Officer's war-
rant for taxes.

SEC. 72. [*Proceedings of officer's warrant.*].—When any special tax is levied it shall be the duty of the city engineer to calculate the amount of tax thus due on each lot, part of lot or piece of ground, subject to the same, and file a statement thereof with the city clerk, who, as soon as the said tax is due on any lot or piece of ground, shall issue a certificate, describing such lot or piece of ground by number and block, and stating the amount of special tax due thereon, and the purpose for which tax was levied, and he shall forthwith deliver a duplicate of such certificate to the city treasurer, who shall without delay give at least five days notice through a newspaper published in the city, of the time when such tax will become delinquent; to every such certificate the city clerk shall append a warrant in the usual form, requiring the city treasurer to collect such special tax or taxes, by distress and sale of goods and chattles of the bodies corporate, owing any such special tax or taxes, if the same be not paid before the time fixed for the same to become delinquent, and to make his return of such warrant with his doings thereon

on or before the fifteenth day of July next thereafter.

SEC. 73. [*Apportionment of assessment.*]
—It shall be sufficient in any case to describe the lot or piece of ground as the same is platted and recorded, although the same belong to several persons; but in case any lot or piece of ground belong to different persons, the owner of any part thereof may pay his portion of the tax on such lot or piece of ground, and his proper share may be determined by the city treasurer.

Assessment
apportion-
ment.

SEC. 74. [*Completion and acceptance of work.*]
—When any improvement mentioned in this act is completed according to contract, it shall be the duty of the city engineer to carefully inspect the same, and if the improvement is found to be properly done, such engineer shall accept the same and forthwith report his acceptance thereof to the board of public works, who shall report the same to the council with recommendation that the same be approved or disapproved, and the city council may confirm or reject such acceptance. When the ordinance levying the tax makes the same due as the improvement is completed in front of or along any block or piece of ground, the engineer may accept the same in sections from time to time if found to be done according to contract, reporting his acceptance as in other cases.

Work when
completed,
how accepted.

SEC. 75. [*Special sewer assessments.*]
—Special taxes may be levied by the mayor and council for the purpose of paying the cost of constructing sewers or drains within the city,

Apportion-
ment of taxes
for sewerage
purposes.

such taxes to be levied on the real estate lying and being within the sewerage districts in which such sewer or drain may be situated, to the extent of benefits to such property by reason of such improvement, the benefits to such property to be determined by the council, sitting as a board of equalization, after notice to property owners as in other cases of special assessment provided, and in cases where the council sitting as such board of equalization shall find such benefits to be equal and uniform, such levy may be according to the front foot of the lots or real estate within such sewerage districts, or according to such other rule as the council, sitting as such board of equalization, may adopt for the distribution or adjustment of such cost, upon the lots or real estate in such district benefitted by such improvement, and all taxes or assessments made for sewerage or drainage purposes shall be collected in the same manner as other special assessments, and shall be subject to the same penalty.

Reassessment.

And where sewers are constructed and any assessment to cover the cost thereof shall be declared void, or doubts exist as to the validity of such assessment, the mayor and council, for the purpose of paying the cost of such improvement, are hereby authorized and empowered to make a reassessment of such cost on the lots or real estate lying and being within the sewerage district in which any such sewer may be situated, to the extent of the benefits to such property by reason of such improve-

ment, and such reassessment shall be made substantially in the manner provided for making original assessments of like nature as herein provided, and any sums which may have been paid toward said improvement, upon any lots or real estate included in such reassessment, shall be applied under the direction of the council to the credit of the persons and property on account of which the same was paid, and in case the credit shall exceed the sum reassessed against such persons and property as herein provided for, the council shall cause such excess, with lawful interest, to be refunded to the party who made payment thereof; and the taxes so reassessed and not paid under a prior assessment shall be collected and enforced in the same manner as other special taxes, and shall be subject to the same penalty.

Payment on
original
assessments.

Refunding
excess.

SEC. 76. [*Railways, use of streets, liability.*] —All street railway companies now existing or hereafter created, in any city governed by this act or that shall hereafter be organized thereunder, shall be required to pave or repave between and to one foot beyond their outer rails, or in case said railway uses more than one track in any street, they shall pave between and to one foot beyond their outer rails where such company owns at their own cost. Whenever any street shall be ordered paved or repaved by the mayor and city council of such city, such paving or repaving shall be done at the same time, and shall be of the same material and character as the paving or repaving

Railways must
pave, how.

of the street upon which said railway track is located, unless other material be specially ordered by the board of public works. Such street railway companies shall be required to keep that portion of the street required by them to be paved in repair, using for said purpose the same material as the streets upon which the track is laid at the point of repair, or such other material as the board of public works may require and order upon streets in cities governed by this act; as streets are hereafter paved or repaved, street railway companies shall be required to lay in the best approved manner the strap or flat rail. The track of all railway companies, when located upon the streets or avenues of the city, shall be kept in repair and safe in all respects for the use of the traveling public, and such companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of such city. For injuries to persons or property arising wholly from the failure of such company to keep their tracks in proper repair and free from obstruction, such companies shall be liable and the city shall be exempt from liability. The words "street railway companies," as used in this act shall be taken to mean and include any person, companies, corporations or associations owning any street railway in any such city.

Street railway
companies
defined.

Refusal to
pave,

SEC. 77. [*Special assessments.*].—In the event of the refusal or neglect of any such street railway companies to pave, re-pave or repair

when so directed by the mayor and council, upon the paving or re-paving of any street upon which their track is laid, the mayor and council shall have power to pave, repave or repair the same and the cost and expense of such paving, repaving, or repairing may be collected by levy and sale of any real or personal property of said street railway company, the same as special taxes are collected. Special taxes for the purpose of paying the costs of any such paving, repaving, macadamizing or repairing of any such railway, may be levied upon the track, including the ties, iron, road-bed and right-of-way, side tracks and appurtenances, including buildings and real estate belonging to any such company or persons and used for the purpose of such street railway business, all as one property, or upon such part of such tracks, appurtenances and property as may be within the district paved, repaved, macadamized or repaired, or any part thereof, and shall be a lien upon the property upon which levied from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer, or incumbrance of any such property of any such company, or person, or of any of its rolling stock or personal property, created or suffered by any such company or party, after the time when any street or part thereof, upon which any such street railway shall have been laid, shall have been ordered paved, repaved, macadamized or repaired, shall be made or suffered, except subject to the actual or prospective lien of such special taxes, whether actually levied or

Special taxes,
upon what
levied.

Mortgage or
transfer sub-
ject to tax lien
when.

Collection by
distress.

not, if such levy be in contemplation. The treasurer shall have the power and authority to seize any personal property belonging to any such person or company for the satisfaction of any such special taxes when delinquent, and to sell the same upon the same advertisement and the same manner as constables are now authorized to sell personal property upon execution at law; but failure to do so shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track, or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold. It shall also be competent for any such city to bring a civil action against any party owning or operating any such street railway and liable to pay said taxes to recover the amount thereof, or any part thereof delinquent and unpaid, in any court having jurisdiction of the amount and obtain judgment and have execution therefor; and no property, real or personal, shall be exempt from any such execution.

Executions
upon real es-
tate shall issue
from district
court.

Provided, That real estate shall not be levied upon by execution, except by execution out of the district court on a judgment therein, or transcript of a judgment filed therein, as now provided by law. No property seized by the treasurer as hereinbefore provided, or upon any such execution. shall be taken from the officer

holding the same or any order of replevin. No defense shall be allowed in any such civil action, except as goes to the ground work, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust and inequitable, judgment shall be rendered for such amount as is just and equitable, and costs shall follow the judgment. It shall be competent for the mayor and council, upon the written application of any company, association, corporation, or person owning any such street railway, to provide that such special taxes shall become delinquent and payable in installments as in case of taxes levied upon abutting real estate as hereinbefore provided, but such application shall be taken and deemed a waiver of any and all objections to such taxes and to the validity thereof. Such application shall be made at or before the final levy of such taxes. The provisions of this act in regard to the levy, collection and enforcement of special taxes to pay the cost of paving, repaving, macadamizing, or repairing of any such street railways, shall apply to all such special taxes hereafter levied.

How made
payable in in-
stallments,

SEC. 78. [*Elective board of public works.*].—Board of public works, how appointed.
There may be in each city a board of public works which shall consist of three members, residents of said city, to be appointed by the mayor, by and with the assent of the council, before the first Monday of June, 1889, for the term of one, two and three years respectively, the term of office of each to be designated by

the mayor, and annually thereafter shall be appointed, as hereinbefore provided, one member, whose term of office shall be three years.

Compensation
of members.

The mayor, by and with the assent of the council, shall designate one of the members of such board to be the chairman thereof. The salary of the members of such board of public works shall be fixed by ordinance, and the salary of the chairman shall not exceed six hundred (\$600) dollars per annum, and the salary of each of the other members shall not exceed one hundred (\$100) dollars per annum. Each of the members of said board shall, before entering upon the discharge of his duties, take an oath to faithfully discharge the duties of his office, and enter into a bond with such city with two or more good and sufficient sureties (to be approved by the mayor and council), the bond of the chairman to be in the sum of ten thousand (\$10,000) dollars, and the other two in the sum of five thousand (\$5,000) dollars each, conditioned for the faithful performance of his duties as member of the board of public works.

Oath and bond.

May not be in-
terested in
contracts.

The chairman of such board shall devote his entire time to the performance of his official duty, and no member of such board shall ever be directly or indirectly interested in any contract entered into by them on behalf of such city, nor shall they be interested either directly or indirectly in the purchase of any material to be used or applied in and about the uses and purposes contemplated in this act. It shall be the duty of the board of public works, and it shall have power, to make contracts on be-

Duties of
board.

half of the city for the performance of all such work and the erection of all such improvements as may be ordered by the mayor and council, but only with the approval of the mayor and council; to superintend the performance of all such work and the erection of all such improvements; to approve the estimates of the city engineer, which may be made from time to time, of the value of the work as the same may progress; to accept any work done or improvements made when the same shall be fully completed according to contract, subject, however, to the approval of the mayor and council, and to perform such other duties as may be conferred upon them by ordinance. Any mem- Removal.
ber of such board may at any time be removed from office by the mayor and a majority of the council, and the proceedings in that behalf shall be entered in the journal of the council.

SEC. 79. [*Poll tax.*]*—*Each city governed by Poll tax.
this chapter shall provide that all male residents of the corporation between the ages of twenty-one and fifty years shall, between the first day of April and the first day of November of each year, either by themselves or satisfactory substitute, perform two days' labor upon the streets, alleys or highways within such corporation, at such time and place as the proper officer may direct, and upon three days' notice in writing given;

Provided, That all persons so notified may Commutation
of labor.
commute the labor so required by the payment of the sum of three dollars to the proper officer of the city, as may be provided by ordi-

nance, and the fund arising under this section shall be extended by the city authorities in the repair and maintenance of the streets and alleys and highways in said city. They may further provide that for each day's failure to attend and perform the labors as required at the time and place specified, the delinquent shall forfeit and pay to the corporation any sum not exceeding one dollar for each day's delinquency. The amount so due for labor tax to the amount of three dollars, upon failure to labor or commute as above required, shall be treated and collected as taxes on property, and the same shall be a lien on all the property of such persons that may be listed and assessed to taxation for that year; and it shall be the duty of the city clerk to certify the amount due from each individual as aforesaid to the city treasurer as hereinbefore provided, and the certificate of the city clerk under the seal of the city, that the person named therein has performed the labor or commuted as herein required, shall be received by the treasurer in discharge of the amount due from such person. The fund arising under this section shall be paid into the fund hereinbefore created from taxes levied for road purposes, and shall be treated and expended in the same manner.

Lien.

Published
statement.

SEC. 80. [*Finance, published statement.*].—The mayor and council shall cause to be published, semi-annually, a statement of the receipts of the city and the sources thereof, and an itemized account of the expenditures and the financial condition of the city.

SEC. 81. [*Witnesses.*]^{Witnesses.}—The council or any committee of the members thereof shall have power to compel the attendance of witnesses for the investigation of matters that may come before them, and the presiding officer of the council or chairman of such committee for the time being may administer the requisite oaths, and such council or committee shall have the same authority to compel the giving of testimony as is conferred on courts of justice.

SEC. 82. [*County jail.*]^{Prisoners, cost of keep- ing.}—Any city shall have the right to use the jail of the county for the confinement of such persons as may be liable to imprisonment under the ordinances of said city, but it shall be liable to the county for the cost of keeping such prisoners. The city shall not pay to exceed fifteen cents for each meal furnished to prisoners and fifteen cents for lodging.

SEC. 83. [*Bonds for sewers and water-works.*]^{Bonds for sewers and water-works, maximum amount.} The mayor and council shall have power to borrow money and pledge the property and credit of the city upon its negotiable bonds or otherwise to an amount not exceeding in the aggregate one hundred thousand (\$100,000) dollars, for the purpose of constructing or aiding in the construction of a system of sewerage, authority therefor having been first obtained by a majority vote of the people at an election upon ^{a Vote of the people.} a proposition submitted in the manner provided by law for the submission of propositions, to aid in the construction of railroads and other works of internal improvement; and to borrow money and pledge the property and credit of

the city in the manner aforesaid, and upon being authorized as aforesaid, to an amount not exceeding one hundred thousand dollars for the purpose of constructing, maintaining and operating a system of waterworks for said city; *Provided*, That bonds heretofore issued by any such city for said purposes, and being outstanding and unpaid, shall be included and counted as a part of the amount hereby authorized to be issued.

Same, adoption of a system.

SEC. 84. [*Same, vote of people.*] Before submitting any proposition for borrowing of money for either of the purposes mentioned in the preceding section, the mayor and council shall determine upon and adopt a system of sewer, age, or of water works as the case may be, and shall procure from the city engineer an estimate of the actual cost of such system, and of the cost of so much thereof as the mayor and council may propose to construct, with the amount proposed to be borrowed, and plans of such system and such estimate shall be placed and remain in the hands of the city clerk, subject to public inspection during all the time such proposition to borrow money shall be pending. After a system shall have been adopted, no other system shall be adopted in lieu thereof, unless authorized by a vote of the people. After construction of water works the city may by vote of the people issue bonds to construct extensions of such works not to exceed ten thousand dollars in any one year.

Plans subject to public inspection.

Extension of works.

Same, construction and control by mayor and council.

SEC. 85. [*Same, waterworks.*] — When the system of waterworks shall have been adopted

and the people shall have voted to borrow money to aid in their construction as aforesaid, the mayor and council may erect and construct and maintain such system of waterworks, either within or without the corporate limits of the city, and make all needful rules and regulations concerning the use of such waterworks, and to do all acts necessary for the construction, completion and management and control of the same not inconsistent with this act, including the taking of private property for public use for the construction and operation of the same, compensation to be ascertained and made therefor in the manner provided by law for acquiring the right-of-way and depot grounds for railway companies by the exercise of the right of eminent domain.

SEC. 86. [*Same, contracts.*] — In case such aids shall not be voted by the people in the manner aforesaid, the mayor and council may contract with and procure individuals or corporations to construct and maintain a system of waterworks in such city for any time not exceeding twenty years from the date of the contract, and with a reservation to the city of the right to purchase such waterworks at any time after the lapse of ten years from the date of the contract upon payment to such individuals or corporation of any amount to be determined from the contract, not exceeding the cost of construction of such waterworks; in other respects such contract may be upon such terms as may be agreed upon by a two-thirds vote of the mayor and council, entered upon

Individuals
may construct
waterworks,
how.

Time contracts
may run.

Right to purchase.

Authority to
contract, how
derived.

the minutes; *Provided*, That no such contract shall be made unless thereunto authorized by a majority vote of the legal voters of said city at a special election called for such purpose.

Bonds, interest
and when re-
deemable.

SEC. 87. [*Bonds, interest.*].—No bonds issued by the city for any purpose except paving, district bonds, shall draw interest at a greater rate than six per cent. per annum, nor sold for less than par or face value, and shall be redeemable at the option of the city at any time after five years from their date.

Water com-
missioner,
bonds

SEC. 88. [*Water commissioner.*].—Before the mayor and council shall enter upon the construction of any system of waterworks a water commissioner shall be appointed, who shall give bonds in not less than the sum of five thousand dollars.

Same, duties
of.

SEC. 89. [*Same, duties.*].—Such water commissioner, under the direction and supervision of the mayor and council, shall have general management and control of such system of waterworks and of the erection and construction of the same, fixing the rates within such limits as may be prescribed by ordinance, to be paid by the inhabitants of the city for the use of water, water-meters and hydrants. It shall be his duty to collect all moneys receivable by the city on account of such system of waterworks, and to faithfully account for and pay the same over to the treasurer, taking his receipts therefor in duplicate, and filing one of the same with the city clerk, to make a detailed report to the council at least once in six months, of the condition of said water system

and of all mains, pipes, hydrants, reservoirs, and machinery, and recommending such improvements, repairs and extensions thereof as he may think proper, and showing the amount of the receipts and expenditures thereof for the preceding six months, and no bill or claim for any work or material done or furnished for said system of water works shall be paid or allowed in whole or in part, except as the same shall have been first audited and allowed by said water commissioner. Said water commissioner shall perform such other duties as may be required of him by ordinance, and upon his recommendation the mayor and council may employ such laborers and clerks as to them may appear necessary.

SEC. 90. [*Council, mayor, eligibility.*] — No Same, eligibility. member of the council or the mayor shall be eligible to the office of water commissioner during the term for which he shall be elected.

SEC. 91. [*Tax for sewerage and water-works.*] Annual levy for sewerage and water-works. — When any bonds shall have been issued by the city for the purpose of constructing or aiding in the construction of a system of water-works or system of sewerage, there shall thereafter be levied annually upon all the taxable property of said city, a tax not exceeding one mill for every twenty thousand dollars of bonds so issued, which shall be known as the water-works tax, or sewerage tax, as the case may be, and shall be payable only in money. The proceeds of such tax, together with all income received by the city from the waterworks, and from the payment and collection of water rent,

1. The first of these is the fact that the
2. Government has been unable to secure the
3. necessary funds to carry out its policy.
4. This is due to the fact that the
5. Government has been unable to secure the
6. necessary funds to carry out its policy.
7. This is due to the fact that the
8. Government has been unable to secure the
9. necessary funds to carry out its policy.
10. This is due to the fact that the
11. Government has been unable to secure the
12. necessary funds to carry out its policy.

The Mayor and
 the Board of Health
 are hereby authorized to
 take such action as they
 may deem proper in
 connection with the
 above mentioned matter
 and to execute the same
 in accordance with the
 provisions of the
 City Charter and the
 laws of the State of
 New York.

36

mentioned in this section, without first having complied with such regulations, and procured a license or permit therefor, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not more than one hundred dollars for each offense, and Penalties. be committed to the city jail until such fines and costs are paid; *Provided*, That any permits issued to a druggist may be revoked by Revocation of licenses. the council at pleasure; *And further*, That any license issued by the mayor and council for any purpose mentioned in this section shall be revoked by the mayor and council upon conviction of the licensee of any violation of any law, ordinance, or regulation pertaining to the sale of such liquors, and proceedings of appeal or error taken to review such judgment or conviction shall in no wise effect the revocation of such license or the effect of such conviction until such appellate or error proceedings be finally determined and such conviction be finally annulled, revoked or reversed.

SEC. 93. [*Payment of taxes.*] — All taxes Taxes, how paid. levied for the purpose of raising money to pay for interest or to create a sinking fund for the payment of the principal of any funded or bonded debt of the city, shall be payable in money only, and, except as otherwise expressly provided, no moneys so obtained shall be used for any other purpose than the payment of the interest or debt for the payment of which they shall have been raised; *Provided*, That such Purchase of undue bonds. sinking fund may, under the direction of the mayor and council, be invested in any of the

undue bonds issued by the city, provided they can be procured by the treasurer at such rate or premium as shall be prescribed by ordinance: And, *Provided, further*, That any due or over due bond or coupon shall be a sufficient warrant or order for the payment of the same by the treasurer out of any fund specifically created for that purpose, without any further order or allowance by the mayor or council.

Printers' fees.

SEC. 94. [*Printers' fees.*]—The mayor or council shall not allow or pay for the printing of any notice, advertisement, or publication in any newspaper any greater sum or rate than twenty-five cents per square of unleaded nonpareil type.

Special engineer.

SEC. 95. [*Special engineer.*]—The mayor and council may, whenever they deem it expedient, employ a special engineer to make or assist in making any particular estimate or survey, and any estimate or survey made by such special engineer shall have the same validity and serve in all respects as though the same had been made by the city engineer.

Jurisdiction of police judge.

SEC. 96. [*Police judge's jurisdiction.*]—The police judge shall have exclusive jurisdiction over, and it shall be his duty to hear and determine all offences against the ordinances of the city, and shall have jurisdiction concurrent with justices of the peace, and of misdemeanors under the laws of the state arising within the limits of the city, when the fine which may be imposed does not exceed two hundred (\$200) dollars, or the imprisonment three months; and he shall have also such concurrent jurisdiction

for the examination of offenders against the laws of the state for offenses arising within the the city limits.

SEC. 97. [*Same, powers, duties.*].—The police ^{Same.} judge shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear and determine any and all cases cognizable before him. No act shall be performed by him on Sundays, except to receive complaint, issue process and take bail. He shall have power to enforce due obedience to all orders, rules and judgments made by him; he shall have the same power as the district court in the issuance of warrants, subpoenas or other process that may be necessary, and may fine or imprison for contempt offered to him while holding court or to process issued by him, in the same manner and to the same extent as the district court.

SEC. 98. [*Same, appeal.*].—In all cases before ^{Same.} the police judge arising under the ordinances of the city wherein the fine assessed exceeds the sum of ten dollars or the imprisonment ten days, an appeal may be taken by the defendant to the district court in and for the county in which said city is situated; but no appeal shall be allowed unless such defendant shall within ten days enter into recognizance, with sufficient securities, to be approved by the judge, conditioned for the payment of the fine and costs of appeal, if it should be determined against the appellant.

SEC. 99. [*Same, error.*].—On the trial of any ^{Same.} case in the police court, it shall be the duty

of the police judge to sign any bill of exception tendered to the court during the progress of such trial; *Provided*, The truth of the matter be fairly stated, and thereupon said exception shall be entered in the record of such trial. Any final conviction, sentence or judgment of the police court may be examined into by the district court on writ of error, which may be allowed by such court or the judge thereof, for sufficient cause and proceedings may be staid as may be deemed reasonable; and the revising courts shall in such proceedings take judicial notice of all ordinances of the city.

Same.

SEC. 100. [*Same, complaints.*] — Whenever complaints shall be made to the police judge on oath or affirmation of any person, that an offense has been committed, of which the police judge has jurisdiction, the police judge shall forthwith issue a warrant for the arrest of the offender, which warrant shall be served by the city council, policeman, the sheriff, or a constable of the county, or some person specially appointed by the police judge for that purpose.

Fines and penalties, when collected to be turned over.

SEC. 101. [*Fines and penalties.*] — All fines and penalties collected arising from a breach of ordinances of the city shall be paid to the city treasurer, and all fines and penalties collected arising from misdemeanors under the laws of the state shall be paid to the county treasurer, and the police judge shall report at the end of each calendar month a list of all cases for violation of city ordinances instituted in his court and the disposition thereof, with a statement of the fines, penalties and costs by him

received, and shall at the end of each month pay to the city treasurer all such fines by him received, and in the event that the police judge shall fail to make report as herein provided for the period of ten days, his office shall be declared vacant. In case of failure, office vacant.

SEC. 102. [*Trial.*].—When any person shall be brought before the police judge upon such warrant, it shall be his duty to hear and determine the complaint alleged against the defendant.

SEC. 103. [*Recognizance.*].—Upon good cause the police judge may postpone the trial of the case to a day certain, in which case he shall require the defendant to enter into recognizance, with sufficient security, conditioned that he will appear before said judge at the time and place appointed, then and there to answer the complaint alleged against him.

SEC. 104. [*Same, breach.*].—In case of the breach of any cognizance entered into as aforesaid, the same shall be certified to the district court of the proper county to be proceeded upon according to law; if in the progress of any trial before the said judge it shall appear that the accused ought to be put upon his trial for an offense not cognizable before said judge, he shall immediately stop all further proceedings before him, and proceed as in other cases exclusively cognizable before the district court.

SEC. 105. [*Witnesses.*].—It shall be the duty of said judge to summon all persons whose testimony may be deemed material as witnesses at the trial, and to enforce their attendance by

Fees of jurors. attachment, if necessary, and all witnesses shall receive the sum of fifty cents for each days, attendance.

SEC. 106. [*Trial by jury.*—Cases in the police court for violation of city ordinances shall be tried and determined by the police judge without the intervention of a jury; cases of a misdemeanor under the statutes of the state shall be tried by the police judge alone, unless the defendant demand a jury; if jury be demanded the case shall be tried by a jury of six competent men, unless a smaller number is agreed to, by the defendant, to be selected in the manner provided by law for selecting jurors in justices' courts, and the trial of such cases before said police judge shall be conducted in all respects not herein otherwise provided, in like manner as in criminal cases before justices of the peace. Jurors in the police court shall receive the same fees as jurors in justices' courts, to be taxed as other costs are taxed in the case.

SEC. 107. [*Judgment.*—If the defendant be found guilty, the police judge shall declare and assess the punishment and render judgment accordingly. It shall be part of the judgment that the defendant stand committed until judgment be complied with; *Provided*, That in any prosecution for violation of any ordinance, the defendant shall have the right to produce before said police judge one or more sureties to the satisfaction of said judge, which said sureties shall, with the defendant, confess a judgment for the amount of the fine or penalty im-

posed, with costs of suit; and said judge shall enter said confession of judgment upon his docket and render judgment accordingly in the name of the state of Nebraska, against them for the amount of such fine and costs, and if said judgment be not paid within ninety days from the date of such confession and entering of judgment, said police judge shall issue execution and collect the amount of said fine or penalty and costs, in the manner provided by law for collecting judgment by execution in justices' courts. Judgment by confession.

SEC. 108. [*Discharge.*].—Any defendant committed under the provisions of this act for a misdemeanor arising under the laws of this state may be discharged in the same manner as if he had been committed by the county court.

SEC. 109. [*Proceedings.*].—In all cases not herein specially provided for, the process and proceedings before the judge shall be governed by laws regulating proceedings in justices' court in criminal cases.

SEC. 110. [*Continuance.*].—When a trial shall be continued by the judge it shall not be necessary to summon any witness who may be present at the continuance, but the judge shall verbally notify such witness as either party may require to attend before him to testify in the case on the day of trial, which verbal notice shall be as valid as a summons.

SEC. 111. [*Challenges.*].—In trials by a jury before the police judge, challenges shall be al-

lowed in the same manner as in similar cases before the justices of the peace.

SEC. 112. [*Punishment.*—Any person convicted before the judge of any offense under the ordinances of the city shall be punished by such fine and imprisonment as may be regulated by ordinance.

SEC. 113. [*Working Prisoner.*] — Whenever the defendant is sentenced to imprisonment for the violation of a city ordinance, he shall be put to work for the benefit of the city, under the direction of the mayor for the term of his imprisonment, and when committed for the non-payment of a fine or costs for the violation of any ordinance, he shall also be put to work for the benefit of the city, and shall be credited on such fine and costs \$1.50 (one dollar and fifty cents) per day for each day he shall work.

SEC. 114. [*Vacancy in office.*]—In case of a vacancy in the office of the police judge by death, resignation or otherwise, or in case of the absence, disability or personal interest of said judge, such fact being shown by affidavit, the mayor shall, on notice thereof, appoint some justice of the peace, holding and exercising the duties of his office within the corporate limits of such city, to act as police judge during such vacancy, absence or disability of said police judge.

Railroad companies to construct viaducts.

SEC. 115. [*Viaducts.*]—The mayor and council shall have power to require any railroad company or companies, owning or operating any railroad track or tracks upon or across any public street or streets of the city, to erect,

construct, reconstruct, complete and keep in repair any viaduct or viaducts, upon or along such street or streets and over or under such track or tracks, including the approaches to such viaduct or viaducts as may be deemed and declared by the mayor and council necessary for the safety and protection of the public. *Provided*, That the approaches to any such viaduct which any railroad company or companies may be required to construct, reconstruct and keep in repair, shall not exceed, for each viaduct, a total distance of eight hundred feet. Whenever any such viaduct shall be deemed and declared by ordinance necessary for the safety and protection of the public the mayor and council shall provide for appraising, assessing, and determining the damages, if any, which may be caused to any property by reason of the construction of any such viaduct and its approaches. The proceedings for such purpose shall be the same as provided herein for the purpose of determining damages to property owners by reason of the change of grade of a street and such damages shall be paid by the city, and may be assessed by the city council, against property benefited, and the cost of approaches beyond said distance of eight hundred feet may also be assessed by the council against property benefited by reason of the construction of any such viaduct and its approaches. The width, height, and strength of any such viaducts and the approaches thereto, the material therefor, and the manner of the construction thereof, shall be as required

by the board of public works, as may be approved by the mayor and council. When two or more railroad companies own or operate separate lines of track to be crossed by any such viaduct the proportion thereof, and of the approaches thereto, to be constructed by each or the cost to be borne by each shall be determined by the mayor and council. After the completion of any such viaducts any revenue derived therefrom by the crossing thereon of street railway lines, or otherwise, shall constitute a special fund, and shall be applied in making repairs to such viaduct. All ordinary repairs to any such viaduct, or to the approaches thereto, shall be paid out of such funds if any.

SEC. 116. [*Emergency.*].—Whereas, an emergency exists, this act shall take effect and be in force from and after its passage. Approved March 14, 1889.

CHAPTER 16.

[Senate File No. 201]

AN ACT to punish city and village officers who become interested in contracts with the city or village, or who furnish any material to any person contracting with the city or village.

Be it enacted by the Legislature of the State of Nebraska:

Shall not be
interested in
contracts, who,

SECTION 1. Any officer of any city in this state who shall hereafter be interested directly or indirectly in any contract to which the city is a party, or who shall enter into any contract

to furnish, or shall furnish to any contractor or sub-contractor with a city of which he is an officer, any material to be used in performing any contract with such city, shall, upon conviction thereof, be fined in any sum not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars. ^{Penalty.}

SEC. 2. Any officer of any village in this state who shall hereafter be interested directly or indirectly in any contract to which such village is a party, or who shall enter into any contract to furnish, or shall furnish to any contractor or sub-contractor with the village of which he is an officer, any material to be used in performing any contract with such village, shall, upon conviction thereof, be fined in any sum not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars. ^{Same, village. Penalty.}

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after the date of its passage. ^{Emergency clause.}

Approved March 15th, 1889.

CHAPTER 17.

[Senate File No. 135.]

METROPOLITAN POLICE RESERVE FUND.

Section.

1. Police relief fund.
2. Same. Certain moneys set aside.
3. Disbursement, rules of:

Section.

1. Board of directors, duties of.
5. Pensions, who may receive.
6. Emergency clause.

AN ACT to provide for the setting apart, formation, and disbursment of a Police Relief Fund in cities of the Metropolitan class.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. The board of fire and police com- ^{Police relief fund, how created.}

missioners in any city, considered and known as a city of the metropolitan class, is hereby authorized to create a Police Relief Fund by assessing upon each member of the police force a sum to be deducted from the monthly pay of each member, not exceeding one per centum thereof, and the sum so fixed and deducted shall be paid into the city treasury, to the credit of the police relief fund, and shall be used exclusively to relieve members of the force when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death, or for pensions when honorably retired from the force.

Purposes of
the fund.

Same, certain
moneys set
aside.

SEC. 2. (First) all moneys received from fines imposed upon members of the police force of such city for violation of the rules and regulations of the police department; (second) one-fourth of all rewards given or paid to members of the police force of such city, except such as shall be excepted by said board, and (third) all moneys arising from the sale of unclaimed property or money, after deducting all expenses incident thereto, shall be paid into the city treasury to the credit of the police relief fund, and the fire and police commissioners shall be trustees of the fund, and shall invest the same from time to time, when there is a surplus, in United States bonds, bonds of the state of Nebraska, bonds of such city, or bonds of the county in which such city is located.

Provided, however, That it shall be the duty of said city treasurer to deposit and keep at

interest, so much of said police fund as may not be invested as aforesaid, in such bank in such city as may be designated by the board of directors of the police relief fund, hereinafter mentioned, and approved by the board of fire and police commissioners.

SEC. 3. The members of the police force of the city shall make such rules and regulations as to the disbursement of the police relief fund to the members as they may deem proper, such rules and regulations to be approved by the board of fire and police commissioners. And the members of the police force, each having one vote, shall elect annually on the first Wednesday after the first day of April in each year, a board of seven members from their own number, to be known as the board of directors of the police relief fund, to whom shall be entrusted the entire management of the fund and its disbursements, subject to the approval of the board of fire and police commissioners, as herein provided.

Rules of disbursement.

Same, board of directors, how elected.

SEC. 4. The board of directors shall organize, electing a president and secretary, and no payment of any money shall be made from the relief fund save for investment by the trustees, except upon the order of the board of directors, signed by the president, countersigned by the secretary, and approved by the board of fire and police commissioners. Members who have resigned or have been dismissed from the force shall have no interest in or claim on such fund; members who are honorably retired from the force shall have only such interest in the fund

Same, board of directors, how organized, duties.

as may be fixed in the rules and regulations in relation to the fund by the board of directors, and approved by the board of fire and police commissioners.

Pensions, who
may receive.

SEC. 5. When a patrolman or any officer of a higher grade on the active force becomes bodily disabled, in consequence of and while in the performance of official duty, he may continue to draw his regular salary, at the discretion of the board of fire and police commissioners, for a period not to exceed three months. If such disability, incurred in consequence of and while in performance of official duty, shall appear to be of such a character as to permanently unfit such member of active duty upon the police force, he shall, upon the recommendation of the mayor and approval of the board of fire and police commissioners, be retired and shall be allowed out of the police relief fund a pension of ten (\$10) dollars per month, to be paid monthly. But if any member of the force, on recovery from such disability, be assigned to duty and full pay, his pensions shall cease. Patrolmen and officers of a higher grade, who have done faithful service and have been disabled so as to unfit them for serving for patrolmen or as such officers, may be assigned to other duties suitable to their physical abilities, and shall always have preference in such assignments. When such member of the force, in consequence of such partial disability, has been assigned to any position having a rate of compensation lower than the one to which such member was entitled previous to his disability,

such assignment shall not exclude him from receiving a pension or terminate the pension which may have been awarded him. The pension herein provided for shall be aside from and in addition to any allowance which may come from the police relief fund provided for above. Any patrolman or officer of a higher grade who has served faithfully for a period of fifteen years from and after the passage of this act, and who has reached the age of fifty years, may on retirement from active service, on the recommendation of the mayor and approval of the board of fire and police commissioners, be allowed a pension of ten (\$10) dollars per month, to be paid as provided above for pensions on account of disability.

SEC. 6. Whereas, an emergency exists for Emergency clause. the passage of this act, therefore, this act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 18.

[Senate File No. 136.]

AN ACT to provide for the sale of unclaimed^{*} personal property in the custody of the chief of police or of the police judge in cities of the metropolitan class.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That all personal property which Personal property unclaimed. may now be or which may hereafter come in- to the possession and custody of the chief of

police or of the police judge in cities of the metropolitan class, and which shall remain unclaimed for the period of six (6) months after the passage of this act, or which may remain unclaimed for the period of six (6) months after such property may hereafter come into the possession and custody of such chief of police or such police judge, shall be sold by the chief of police of such city at public auction after giving thirty (30) days notice thereof, by advertisement published three consecutive days in the official newspaper of such city.

May be sold.

Emergency clause.

SEC. 2. Whereas, an emergency exists for the passage of this act, therefore this act shall take effect and be in force from and after its passage.

Approved, March 30th, 1889.

CHAPTER 19.

[House Roll No. 75.]

CITIES OF THE SECOND CLASS, ELECTRIC LIGHTS.

Section.

1. Electric light system, how established.
2. Same, may issue bonds.

Section.

3. Contracts, lowest bidder.
4. Management, when established.
5. Rates for use of lights.
6. Emergency clause.

AN ACT To authorize any city of the second class in this state to establish, maintain, operate and control, a system of electric lights, and to fix rates of charges for the use of lights and to provide for the collection of such charges.

Be it enacted by the Legislature of the State of Nebraska:

Electric light system, how established.

SECTION 1. Any city of the second class in this state, shall have the power and is hereby authorized to establish and maintain, a system of electric lights for such city, and the city

council shall have the power to levy a tax not exceeding five (5) mills on the dollar, in any one year for the purpose of establishing, extending and maintaining such system of electric lights.

SEC. 2. Where the amount of money which would be raised by the levy provided for in section one of this act would be insufficient to establish a system of electric lights as contemplated herein, in any city in this state, such city may issue its bonds bearing not to exceed seven per cent. interest, and maturing in twenty years, but payable at any time after the expiration of ten years at the option of the city, for the purpose of raising a sum sufficient to establish such electric light system; *Provided*, That the aggregate of bonds issued for such purpose shall not exceed two and one-half per cent. of the taxable value of the property of such city as shown by the last previous annual assessment; and, *Provided, further*, That no such bonds shall be issued by the city council until the question of issuing the same shall have been submitted to the electors of such city, and an election held for that purpose, notice of which shall be given by publication in some newspaper published in said city at least twenty days prior to the date of said election and a majority of such electors shall have voted in favor of issuing such bonds; *Provided*, no such election shall be called until a petition signed by at least ten resident freeholders from each ward of said city, shall be presented to the mayor and council asking that

Same. May
issue bonds
how.

Must be sub-
mitted to a
vote of the
people.

Petition must
be presented.

Annual tax.

an election be called for the purposes herein provided. When any city has established a system of electric lights as herein contemplated, the city council shall have power to levy an annual tax of not to exceed two (2) mills on the dollar of the assessed valuation of the city, for the purpose of maintaining, operating and extending the same.

Contracts must be let to lowest bidder.

SEC. 3. All contracts for the erection or construction of any such system of electric lights or any part thereof or any extension thereof shall be let to the lowest responsible bidder therefor upon not less than twenty days public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in said city; *Provided*, That no member of the city council or mayor shall be directly or indirectly interested in any such contract. And in all cases the council shall have the right to reject any and all bids that may not be satisfactory to them and when any such contract shall have been awarded, as herein provided, the mayor and council shall have the right to require the person, persons, company or corporation to whom such contract shall be awarded, to enter into a bond with good and sufficient sureties, to be approved by said mayor and council and in such sum as they shall deem sufficient to secure the faithful performance of the conditions of such contract.

Contractor must give bond.

Management of, when established.

SEC. 4. When any city shall have established an electric light system, it shall provide by ordinance for the management and control

of the same, and the rates to be charged to persons using such lights. In cities having and maintaining a system of water works, and having a water commissioner, such water commissioner shall be ex-officio light commissioner. In cities having no water commissioner, the mayor shall, with the advice and consent of the city council, appoint some resident free-holders of such city as light commissioner, Light commissioners. who shall hold his office until the end of the municipal year, and until his successor shall be appointed and shall have qualified. Before entering upon the duties of his office the light commissioner so appointed shall give bond to Bond and oath. the city in such sum as may be required by the city council, conditioned for the faithful performance of his duties, and signed by two or more good and sufficient sureties, resident free-holders of such city, and shall also take an oath to faithfully and impartially discharge the duties of his office. Such commissioner shall have general management and control of the system of electric light in such city, under the direction of the city council, and shall collect all moneys receivable by the city, for rents and lights, and shall faithfully account for all moneys that may come into his hands, and perform such other duties as may be required of him by ordinance. He shall make a detailed Reports required. report to the city council at least every six months, showing the condition of such system, and of all such improvements, repairs, extensions and additional machinery, which he may

Salary and
removal.

think proper to make or obtain, together with an estimate of the cost thereof. He shall also, at the same time, make a detailed report of all expenses incurred in the running and management of such system of lights since his last previous report. He shall receive a salary to be fixed by the city council, by ordinance, and may be removed at any time by a two-thirds vote of the council.

Use of lights,
rates, how fixed
and collected.

SEC. 5. The city council shall fix by ordinance, the rates to be charged for the use of its lights, and shall provide the manner of collecting the same. The commissioner shall make duplicate receipts for all moneys collected, one of which shall be given to the person from whom the money is collected, and the other shall be retained in his office, and delivered to his successor in office. All money collected for the use of electric lights, shall be paid over to the city treasurer and kept by him in a separate fund, and be used for the operation, maintenance, repair and extension of such system, under the direction of the city council.

Emergency
clause.

SEC. 6. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 20.

[Senate File No. 102.]

AN ACT to amend section 25, of chapter 50, entitled, "Liquors," so as to vest in the board of fire and police

commissioners in cities of the metropolitan class, the power to license the sale or disposal of intoxicating, malt, spirituous, mixed or fermented liquors, and to repeal said original sections, and to repeal all acts or parts of acts in so far as the same conflict herewith.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section twenty-five (25) of chapter fifty (50) entitled, "Liquors," of the Amendment of Sec 25, Chap. 50, Comp. Stat. Compiled Statutes of Nebraska for the year A. D. 1887, be and the same is hereby amended so as to read as follows:

Section 25. The corporate authorities of all cities and villages shall have power to license, License in cities and villages. regulate and prohibit the selling or giving away of any intoxicating, malt, spirituous, and vinous, mixed or fermented liquors within the limits of such city or village, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license, not less than five hundred (\$500) dollars in villages and cities having not more than ten thousand (10,000) population, nor less than one thousand (\$1,000) dollars in metropolitan cities and cities of the first class, and cities having over ten thousand (10,000) population;

Provided, however, That in cities of the metropolitan class the power to license the selling Same, metropolitan cities. or giving away of any intoxicating, malt, spirituous and vinous, mixed or fermented liquors shall be vested exclusively in the board of fire and police commissioners of such city, and as compensation for such services they shall each Compensation. receive the sum of four hundred (\$400) dollars

annually, payable out of the police fund of their respective cities.

Same, cities of
the first class.

Provided, further, That in cities of the first class having more than twenty-five thousand (25,000) and less than eighty thousand (80,000) inhabitants, the power to license the selling or giving away of any intoxicating malt, spirituous, vinous, mixed or fermented liquors, shall be vested exclusively in the excise board of such cities.

Druggists' per-
mits.

Provided, further, That the city council in cities, except in cities of the metropolitan class, and in such cities the board of fire and police commissioners, and except in cities of the first class having more than twenty-five thousand (25,000) and less than eighty thousand (80,000) inhabitants; and in said cities the excise board, or the board of trustees in villages may grant permits to druggists for the sale of liquors for medicinal, mechanical and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance and subject to the provisions of section 26 of this act.

Provided, further, That in granting licenses or permits such corporate authorities in cities and villages, and the board of fire and police commissioners in cities of the metropolitan class, shall comply with and be governed by all the provisions of this act in regard to granting of licenses, and all the provisions and penalties contained in this act shall be applicable to such licenses and permits, and the persons to whom they are granted.

Provided, further, That in granting any Petition.
license the petition therefor shall be sufficient
if signed by thirty (30) of the resident free-
holders, or if there are less than sixty (60), a
majority of the freeholders of the ward or vil-
lage where the sale of such liquors is to take
place.

SEC. 2. Section 25 of chapter 50, entitled Repealing clause.
“Liquors,” and all acts or parts of acts in con-
flict herewith or in any manner contravening
the provisions of this act, are hereby repealed.

SEC. 3. Whereas, an emergency exists, there- Emergency clause.
fore this act shall take effect and be in force
from and after its passage.

Approved, March 14th, 1889.

CHAPTER 21.

[House Roll No. 261.]

AN ACT to amend Section seven (7) of chapter twenty-six
(26) of the Compiled Statutes of the state of Nebraska as
said section is now in force and existence, and to repeal
said section seven (7).

*Be it enacted by the Legislature of the State of
Nebraska:*

SECTION 1. That section seven (7) of chapter Amendment to
Sec. 7, Chap. 26,
Comp. Stat.
twenty-six (26) of the Compiled Statutes of the
state of Nebraska as said section is now in
force and existence be and the same is hereby
amended so as to read as follows: Section 7.
One judge of the supreme court and two regents Officers
elected, state.
of the university shall be elected in the year
1879, and every second year thereafter, who
shall serve for the term of six years; judges of

Same, counties
not under
township or-
ganization.

the district court, shall be elected in the year 1879, and every four years thereafter; the governor, lieutenant governor, congressmen, state treasurer, auditor of public accounts, secretary of state, attorney-general, commissioner of public lands and buildings, superintendent of public instruction, and members of the legislature shall be elected in the year 1880, and every second year thereafter; in counties not under township organization, one county judge, one sheriff, one coroner, one county treasurer, one county clerk, one county surveyor, and one county superintendent of public instruction shall be elected in the year 1879, and every second year thereafter; and in each precinct, two justices of the peace and two constables shall be elected in the year 1879, and every second year thereafter, except as hereafter in this section provided, and three judges and two clerks of election, one assessor and one overseer of highways for each road district shall be elected in the year 1879, and annually thereafter; and one county commissioner shall be elected annually, who shall serve three years; in counties under township organization, one county judge, one sheriff, one coroner, one county treasurer, one county clerk, one county surveyor, and one county superintendent of public instruction shall be elected at the first general election after the adoption of township organization, and every second year thereafter. At the first general election in each township after the adoption of township organization, one town clerk, one town treasurer, three judges and two clerks

Same, counties
under town-
ship organiza-
tion.

of election, one assessor, and one overseer of highways for each road district shall be elected, and annually thereafter; and two justices of the peace and two constables shall be elected at the said election, and every second year thereafter, except as hereafter in this section provided; and at the said election one Supervisor shall be elected in each township, and thereafter each odd numbered year, in the odd numbered townships, and each even numbered year in the even numbered townships, said townships to be numbered by the county board at their first regular meeting after the passage of this act, or the subsequent adoption of township organization, as nearly as practicable in the same manner as government sections are numbered in a government township and at the first general election, after the adoption of township organization in any county in each city and in each village, one supervisor for every one thousand inhabitants therein, one assessor, three judges and two clerks of election shall be elected and annually thereafter, and in each ward, and in each village having more than five hundred inhabitants, two justices of the peace and two constables shall be elected at said election, and every second year thereafter in each county having a population of eight thousand (8,000) inhabitants, or more, there shall be elected in the year 1879, and every four years thereafter, a clerk of the district court in and for such county, and in each county having a population of less than eight thousand (8,000) inhabitants, the county clerk

Clerk of the
district court.

Justices of the
peace in cities
of the first
class.

shall be ex-officio clerk of the district court, and perform all duties devolving upon that officer by law; all county, precinct and township officers created by statute or that may be hereafter created shall be elected at such general elections as may be provided in the law creating the office or officers; *Provided, however,* That in all cities of the first class, there shall be but three justices of the peace, and no more, for each of such cities, and for the purpose of establishing this plan it shall be the duty of the county board of the county in which such city or cities shall be situated, on or before the first day of September, 1885, in counties in which there is a city already of the first class, and in all other counties on or before the first of September, after which a city therein shall become a city of the first class, to divide such city into three districts, numbered respectively, one, two and three, and shall be composed of two or more wards or voting districts as the case may be, comprising compact and contiguous territory and embracing as near as may be possible one-third of the population of such city and not subject to alteration oftener than once in four years; and one justice of the peace shall be elected from each of said districts by the qualified electors of said district, who shall provide and maintain an office or place for holding court in the district in which he shall have been elected. And it shall be the further duty of said county board after they have established the districts as aforesaid and thirty (30) days prior to the next

election at which justices of the peace are to be elected to publish, three times, in some newspaper printed and of general circulation in said city, a notice of the fact that such districts have been established, describing the same by boundaries, and also prepare and file in the office of the county clerk a plat showing and describing the boundaries of the respective districts aforesaid; the cost of which publication and plat to be paid by the county, and for the neglect or refusal of the county board to attend to all or any of the duties herein mentioned, each member thereof shall be deemed guilty of malfeasance in office and be fined as by law now provided.

SEC. 2. That section seven (7) of chapter twenty-six (26) of the Compiled Statutes of the state of Nebraska as the said section is now in force and existence, be and the same is hereby repealed.

Repealing
clause.

Approved March 21st, 1889.

CHAPTER 22.

[Senate File No. 210.]

AN ACT to amend section seven (7), of chapter twenty-six (26), of the Compiled Statutes, entitled "Elections," and to repeal said section seven (7).

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section seven (7) of chapter twenty-six (26), of the Compiled Statutes of Nebraska, be and the same is hereby amended so as to read as follows:

Amendment of
Sec. 7, Chap.
26, Comp. Stat.

Officers
elected, state.

SEC. 7. One judge of the supreme court and two regents of the university shall be elected in the year eighteen hundred and seventy-nine (1879) and every second year thereafter, who shall serve for the term of six (6) years. Judges of the district court shall be elected in the year eighteen hundred and seventy-nine (1879), and every four (4) years thereafter. The governor, lieutenant governor, congressmen, state treasurer, auditor of public accounts, secretary of state, attorney general, commissioner of public lands and buildings, superintendent of public instruction, one district attorney for each judicial district, and members of the legislature, shall be elected in the year eighteen hundred and eighty (1880) and every second year thereafter.

Same, counties
not under
township
organization.

In counties not under township organization, one county judge, one sheriff, one coroner, one county treasurer, one county clerk, one county surveyor, and one county superintendent of public instruction shall be elected in the year eighteen hundred and seventy-nine (1879), and every second year thereafter, and in each precinct two justices of the peace and two constables shall be elected in the year eighteen hundred and seventy-nine (1879), and every second year thereafter, except as hereafter in this section provided, and three judges and two clerks of election, one assessor, and one overseer of highways for each road district shall be elected in the year eighteen hundred and seventy-nine (1879), and annually thereafter, and one county commissioner shall be elected annually, who shall serve three years

In counties under township organization, one Same, counties under township organization. county judge, one sheriff, one coroner, one county treasurer, one county clerk, one county surveyor, and one county superintendent of public instruction shall be elected at the first general election after the adoption of township organization, and every second year thereafter. At the first general election in each township after the adoption of township organization, one town clerk, one town treasurer, three judges and two clerks of election, one assessor, and one overseer of highways for each road district, shall be elected annually thereafter; and two justices of the peace and two constables shall be elected at the said election, and every second year thereafter, except as hereafter in this section provided; and at the said election one supervisor shall be elected in each township, and thereafter each odd numbered year in the odd numbered townships, and each even numbered year in the even numbered townships, said townships to be numbered by the county board at their first regular meeting after the passage of this act or the subsequent adoption of township organization, as nearly as practicable in the same manner as government sections are numbered in a government township. And at the first general election after the adoption of township organization in any county, in each city and in each village, one supervisor for every one thousand (1,000) inhabitants therein, one assessor, three judges and two clerks of election shall be elected and annually thereafter; and in each ward and in

Clerk of the
district court.

each village having more than five hundred (500) inhabitants, two justices of the peace and two constables shall be elected at said election and every second year thereafter. In each county having a population of eight thousand (8,000) inhabitants or more, there shall be elected in the year eighteen hundred seventy-nine (1879), and every four (4) years thereafter, a clerk of the district court in and for such county, and in each county having a population of less than eight thousand (8,000) inhabitants the county clerk shall be ex-officio clerk of the district court and perform all duties devolving upon that officer by law. All county, precinct and township officers created by statute, or that may be hereafter created, shall be elected at such general election as may be provided in the law creating the office or offices;

Justices of the
peace in cities
of the first
class.

Provided, however, That in all cities of the first class, there shall be but three justices of the peace and no more, for each of such cities, and for the purpose of establishing this plan, it shall be the duty of the county board of the county in which such city or cities shall be situated, on or before the first day of September eighteen hundred and eighty-five (1885), in counties in which there is a city already of the first class, and in all other counties on or before the first of September, after which a city therein shall become a city of the first class, to divide such city into three districts, numbered respectively one (1) two (2), and three (3), and shall be composed of two or more wards or voting

districts as the case may be, comprising compact and contiguous territory and embracing as near as may be possible one-third ($\frac{1}{3}$) of the population of such city, and not subject to alteration oftener than once in four (4) years; and one justice of the peace shall be elected from each of said districts by the qualified electors of said district, who shall provide and maintain an office or place for holding court in the district in which he shall have been elected.

And it shall be the further duty of said county board after they shall have established the districts as aforesaid and thirty (30) days prior to the next election at which justices of the peace are to be elected, to publish, three (3) times, in some newspaper printed and of general circulation in said city, a notice of the fact that such districts have been established, describing the same by boundaries, and also prepare and file in the office of the county clerk a plat showing and describing the boundaries of the respective districts aforesaid; the costs of which publication and plat to be paid by the county. And for the neglect or refusal of the county board to attend to all or any of the duties herein mentioned, each member thereof shall be deemed guilty of malfeasance in office and be fined as by law now provided.

Notice must be given.

Provided, also, That in all cities of the metropolitan class there shall be but six (6) justices of the peace and no more for each of such cities, and for the purpose of establishing this plan, it shall be the duty of the county board of the county in which such city or cities

Justices of the peace in cities of the metropolitan class.

shall be situated, on or before the first day of September, eighteen hundred and eighty-nine (1889), in counties in which there is a city already of the metropolitan class, and in all other counties on or before the first of September after which a city therein shall become a city of the metropolitan class, to divide such city into three districts, numbered respectively first (1st), second (2nd) and third (3d), and shall be composed of two (2) or more wards or voting districts, as the case may be, comprising compact and contiguous territory, and embracing as near as may be possible one-third ($\frac{1}{3}$) of the population of such city, and not subject to alteration oftener than once in four (4) years, and two justices of the peace shall be elected from each of said districts by the qualified electors of said districts, who shall provide and maintain an office or place for holding court in the district in which they shall have been elected. And it shall be the further duty of the said county board after they shall have established the districts as aforesaid, and thirty (30) days prior to the next election at which justices of the peace are to be elected, to publish three (3) times, in some newspaper printed and of general circulation in said city, a notice of the fact that such districts have been established, describing the same by boundaries, and also prepare and file in the office of the county clerk a plat, showing and describing the boundaries of the respective districts aforesaid; the cost of which publication and plat to be paid by the county. And for the neglect or

Notice, publication of.

refusal of the county board to attend to all or any of the duties herein mentioned, each member thereof shall be deemed guilty of malfeasance in office, and be fined as by law now provided. Penalty.

SEC. 2. That said original section seven (7) Repealing clause, herein amended shall be and the same is hereby repealed.

Approved March 30th, 1889.

CHAPTER 23.

[Senate File No. 44.]

AN ACT to empower cities and villages to acquire real estate by gift or devise for parks and public grounds, and protection of such real estate.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. Cities and villages in this state Public parks. are empowered and authorized to receive by gift or devise real estate within their corporate limits or within five miles thereof for purposes of parks or public grounds. Such real estate shall be vested in the city or village upon the conditions imposed by the donors, and upon the acceptance by the mayor and city council or the board of trustees, the jurisdiction of the city council or board of trustees shall be hereby extended over such real estate. The city council and board of trustees of villages shall have power to enact by-laws, rules and ordinances for the protection and preservation of any real estate acquired as herein contem-

plated, and to provide suitable penalties for the violation of any such by-laws, rules or ordinances. The police power of any city or village that shall acquire any real estate as herein contemplated shall be at once extended over the same by virtue of this act.

Emergency
clause.

SEC. 2. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved February 25th, 1889.

CHAPTER 24.

[House Roll No. 330.]

AN ACT to amend section one (1) of article seven (7), chapter seventy-seven (77) of the Compiled Statutes, entitled "Revenue," and to repeal said section as now existing.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 1, Art. 7,
Chap. 77,
Comp. Stat.

SECTION 1. That section one (1), of article seven (7), of chapter seventy-seven (77), of the Compiled Statutes, entitled "Revenue," be amended so as to read as follows:

Revenue arising from taxation of internal improvements, how set apart.

Section. 1. That where any township, precinct, incorporated city or village in this state has heretofore or may hereafter issue any bonds to aid in construction or completion of any works of internal improvement, the revenues which shall arise from the taxation of such internal improvement shall be set apart forever to pay the interest and principal upon said bonds, until the same shall be fully paid; and in the event that such revenues shall not be sufficient to pay such bonds at their maturity, such rev-

enues shall still be set apart and shall be credited to the general fund required from such township, precinct, incorporated city or village, before such tax list is extended until the same shall be fully reimbursed.

SEC. 2. That section one (1), of article seven ^{Repealing clause.} (7), of chapter seventy-seven (77), of the Compiled Statutes, entitled "Revenue," be and the same is hereby repealed.

Approved March 27th, 1889.

CHAPTER 25.

[House Roll No. 121.]

AN ACT to provide for the better protection of the earnings of laborers, servants and other employes of corporations, firms or individuals engaged in interstate business. .

Be it enacted by the Legislature of the State of Nebraska.

SECTION 1. That it be and is hereby declared ^{Can not attach or garnish wages of laborer, when.} unlawful for any creditor of or other holder of any evidence of debt, book account or claim of any name or nature against any laborer, servant, clerk or other employe of any corporation, firm or individual in this state, for the purpose below stated, to sell, assign, transfer, or by any means dispose of any such claim, book account, bill or debt of any name or nature whatever, to any person or persons, firm, corporation or institution, or to institute in this state or elsewhere, or prosecute any suit or action for any such claim or debt against any such laborer, servant, clerk or employe, by any

process seeking to seize, attach or garnish the wages of such person or persons earned within sixty days prior to the commencement of such proceeding, for the purpose of avoiding the effect of the laws of the state of Nebraska concerning exemptions.

Same,
unlawful.

SEC. 2. That it is hereby declared unlawful for any person or persons to aid, assist, abet or council a violation of section one of this act for any purpose whatever.

Evasion of the
law, what is
evidence.

SEC. 3. In any proceeding, civil or criminal, growing out of a breach of sections one or two of this act, proof of the institution of a suit or service of garnishment summons by any persons, firm or individual, in any court of any state or territory other than this state, or in this state to seize by process of garnishment or otherwise, any of the wages of such persons as defined in section one of this act, shall be deemed *prima facie* evidence of an evasion of the laws of the state of Nebraska and a breach of the provisions of this act on the part of the creditor or resident in Nebraska causing the same to be done.

Penalty for
violation of
provisions of
this act.

SEC. 4. Any persons, firm, company, corporation or business institution guilty of a violation of sections one or two of this act shall be liable to the party injured through such violation of this act for the amount of the debt sold, assigned, transferred, garnished or sued upon, with all costs and expenses and a reasonable attorney's fee, to be recovered in any court of competent jurisdiction in this state; and shall further be liable by prosecution to

punishment by a fine not exceeding the sum of two hundred dollars and costs of prosecution.

SEC. 5. Whereas, there being an emergency, Emergency clause. this act shall take effect and be in force from and after its passage.

Approved March 29th, 1889.

CHAPTER 26.

[Senate File No. 153.]

AN ACT to amend section six hundred and seventy-seven (677) of the Code of Civil Procedure, Compiled Statutes of 1887, and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section six hundred and seventy-seven (677) of the Code of Civil Procedure, Compiled Statutes of 1887, be amended to read as follows: Amendment to Sec. 677, Civil Code, Comp. Stat.

Section 677. No appeal in any case in equity, Undertaking. now pending and undetermined, or which shall hereafter be brought, shall operate as a supersedeas, unless the appellant or appellants shall, within twenty days next after the rendition of such judgment or decree, or the making of such final order, execute to the adverse party a bond with one or more sureties as follows:

First—When the judgment, decree, or final order appealed from directs the payment of money, the bond shall be in double the amount of the judgment, decree, or final order, conditioned that the appellant, or appellants, will prosecute such appeal without delay, and pay

all condemnation money and costs which may be found against him, or them, on the final determination of the cause in the supreme court.

Second—When the judgment, decree, or final order directs the execution of a conveyance or other instrument, the bond shall be in such sum as shall be prescribed by the district court, or judge thereof, in vacation, conditioned that the appellant or appellants will prosecute such appeal without delay; and will abide and perform the judgment or decree rendered, or final order which shall be made by the supreme court in the cause.

Third—When the judgment, decree or order directs the sale or delivery of possession of real estate, the bond shall be in such sum as the court, or judge thereof in vacation, shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay, and will not during the pendency of such appeal commit, or suffer to be committed, any waste upon such real estate.

Fourth—When the judgment, decree, or final order dissolves or modifies any order of injunction, which has been, or hereafter may be granted, the supersedeas bond shall be in such reasonable sum as the court or judge thereof in vacation, shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay, and will pay all costs which may be found against him, or them, on the final determination of the cause in the supreme court; and such supersedeas bond

shall stay the doing of the act or acts, sought to be restrained by the suit, and continue such injunction in force, until the case is heard and finally determined in the supreme court. The undertaking given upon the allowance of the injunction shall be and remain in effect until it is finally decided whether or not the injunction ought to have been granted.

SEC. 2. That section six hundred and seventy-seven (677) of the Code of Civil Procedure, Compiled Statutes of 1887, as heretofore existing, and all acts and parts of acts inconsistent with this act, are hereby repealed. Repealing clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage. Emergency clause.

Approved March 29th, 1889.

CHAPTER 27.

[Senate File No. 151.]

AN ACT to provide for Supersedeas bonds in certain cases.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That in case of the dissolution or modification by any court, or any judge at chambers, of any temporary order of injunction which has been or may hereafter be granted, the court or judge so dissolving or modifying said order of injunction, shall at the same time fix a reasonable sum as the amount of a supersedeas bond, which the person or persons applying for said injunction may give, and prevent Supersedeas bond.

the doing of the act or acts, the commission of which was or may be sought to be restrained by the injunction so dissolved or modified.

Executed,
when.

SEC. 2. Such supersedeas bond shall be executed on or before twenty (20) days from the time of the order dissolving or modifying such injunction, shall be signed by one or more sufficient sureties, to be approved by the clerk of the court, and shall be conditioned that the party or parties who obtained such injunction shall pay to the defendant or defendants, all damages which he or they shall sustain by reason of said injunction, if it be finally decided that such injunction ought not to have been granted.

Jurisdiction
continued.

SEC. 3. Such supersedeas bond shall stay the doing of the act or acts sought to be restrained by the suit, and continue such injunction in force until the case is heard and finally determined by the judgment, decree or final order of the court in term time.

Repealing
clause.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Emergency
clause.

SEC. 5. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 29th, 1889.

CHAPTER 28.

[House Roll No. 42.]

AN ACT entitled "An act to secure the payment of mechanics' and laborers' wages on all public buildings where the provisions of the general mechanics' lien laws do not apply."

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. It shall be the duty of the board of public lands and buildings, boards of county commissioners, the contracting board of officers of all cities and villages, and all public boards now or hereafter empowered by law to enter into a contract for the erecting and finishing or the repairing of any public building, bridge or other public structure, to which the general provisions of the mechanics' lien laws do not apply, and where mechanics and laborers have no lien to secure the payment of their wages, to take from the person or corporation to whom the contract is awarded a bond, with at least two good and sufficient sureties, conditioned for the payment of all laborers and mechanics for labor that shall be performed in the erecting, furnishing or repairing of the building, or in performing the contract, said bond shall be to the board awarding the contract; and no contract shall be entered into by such board until the bond herein provided for has been filed with and approved by said board. The said bond shall be safely kept by the board making the contract, and may be sued on by any person entitled to the benefit of this act. The

Board awarding contract for construction or repair of any public building must take bond to secure payment of mechanics' and laborers' wages, when.

action shall be in the name of the party claiming the benefit of this act.

Approved March 21st, 1889.

CHAPTER 29.

Senate File No. 178.]

AN ACT to amend section fifty-one (51) of the Code of Civil Procedure, and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 51, Civil
Code, Comp.
Stat.

SECTION 1. That section fifty-one (51) of the Code of Civil Procedure be amended so as to read as follows:

Actions affect-
ing realty,
where brought.

Section 51. All actions to recover damages for any trespass upon or any injury to real estate, shall be brought only in the county where such real estate is situated, and all actions for the following causes must be brought in the county in which the subject of the action is situated, except as provided in section fifty-two (52).

Recovery.

First—For the recovery of real property or of an estate or interest therein.

Partition.

Second—For the partition of real property.

Sale.

Third—For the sale of real property under a mortgage, lien or other incumbrance or charge.

Provided, All actions now pending in any district court for any of the causes mentioned in this section, not within the county wherein such real estate is situated, shall remain, be tried and disposed of in the county where commenced.

Repealing
clause.

SEC. 2. Said section fifty-one (51), of the

Code of Civil Procedure as heretofore existing, is hereby repealed.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage. Emergency clause.

Approved March 29th, 1889.

CHAPTER 30.

[Senate File No. 30.]

AN ACT authorizing transcripts of judgments and decrees rendered in the state of Nebraska by the circuit and district courts of the United States, to be filed in the counties of said state, and prescribing the conditions under which they may be filed.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That a transcript of any judgment or decree rendered in a circuit or district court of the United States within the state of Nebraska, may be filed in the office of the clerk of the district court in any county in this state, and such transcript when so filed and entered on the judgment record shall be a lien on the property of the debtor in any county in which such transcript is so filed, in the same manner and under the same conditions only as if such judgment or decree had been rendered by the district court of such county; *Provided*, That such transcript shall at all times be affected and be in the same plight as the original judgment. Transcript of judgments of S. court, filed with clerk of district court, a lien, how.

SEC. 2. Nothing herein shall be construed to require the docketing of a judgment or a de- Filing not necessary, when.

cree of a United States court, or the filing of a transcript thereof in any state office within the same county in this state in which the judgment or decree is rendered in order that such judgment or decree may be a lien on any property within such county.

Emergency
clause.

SEC. 3. There being an emergency, this act shall take affect and be in force from and after its passage and approval.

Approved March 28th, 1889.

CHAPTER 31.

[House Roll No. 54.]

AN ACT to amend section twenty-eight (28), of article one (1), of chapter four (4), of the Compiled Statutes of 1887, entitled "Animals," and to provide for the foreclosure of the lien created thereby.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 28, Art. 1,
Chap. 4, Comp.
Stat.

SECTION 1. That section twenty-eight (28), of article one (1), of chapter four (4), of the Compiled Statutes of 1887, entitled "Animals," be amended to read as follows:

Lien for keep-
ing.

Section 28. When any person shall procure, contract with, or hire any other person to feed and take care of any kind of live stock, the person so procured, contracted with, or hired, shall have a lien upon such property for the feed and care bestowed by him upon the same for the contract price therefor, and in case no price has been agreed upon, then for the reasonable value of such feed and care. The per-

son entitled to a lien under the provisions of this section, may foreclose the same in the ^{Same, may foreclose, how.} manner provided by law for the foreclosing of chattel mortgages; *Provided*, That at least thirty (30) days before the sale of the property for the satisfaction of such lien, the person entitled thereto, shall file in the office of the county clerk in the county in which said live stock may be fed and kept, an affidavit describing said live stock and setting forth the amount justly due for the feeding and keeping of the same. ^{Affidavit, where filed.}

SEC. 2. That section twenty-eight (28), of ^{Repealing clause.} article one (1), of chapter four (4), of the Compiled Statutes of 1887, entitled "Animals," as now existing, be and the same is hereby repealed.

Approved March 21st, 1889.

CHAPTER 32.

[House Roll No. 51.]

AN ACT to amend section thirty-eight (38) of chapter nineteen (19) of the Compiled Statutes of 1887, of Nebraska, and to repeal the section so amended.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section thirty-eight (38) of ^{Amendment to Sec. 38, Chap. 19, Comp. Stat.} chapter nineteen (19) of the Compiled Statutes of 1887 of Nebraska be amended to read as follows:

No court can be opened nor can any judicial

Business on
Sunday.

business be transacted on Sunday or on any legal holiday, except:

First—To give instructions to a jury then deliberating on their verdict.

Second—To receive a verdict or discharge a jury.

Third—To exercise the powers of a single magistrate in a criminal proceeding.

Fourth—To grant or refuse a temporary injunction or restraining order.

Repealing
clause.

SEC. 2. That section thirty-eight (38) of Chapter nineteen (19) of the Compiled Statutes of 1837 of Nebraska, be and the same is hereby repealed.

Approved March 21st, 1889.

CHAPTER 33.

[House Bill No. 123.]

AN ACT amendatory of and supplemental of chapter fifty (50) of the Compiled Statutes of 1885, entitled "Liquors."

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. To be numbered section 20 of said chapter 50.

Keeping in-
toxicating
liquors for
sale a misde-
meanor, when.

Hereafter it shall be unlawful for any person to keep for the purpose of sale, without license, any malt, spirituous or vinous liquors in the state of Nebraska, and any person or persons who shall be found in possession of any intoxicating liquors in this state, with the intention of disposing of the same, without license in violation of this chapter, shall be deemed guilty

of a misdemeanor, and on conviction thereof shall be fined or imprisoned as provided in section eleven of this chapter; *Provided*, That this shall not apply to physicians or druggists holding permits for the sale of liquors for medicinal, mechanical, chemical, or sacramental purposes, or persons having liquors for home consumption.

If any creditable resident free holder of any county in this state shall, before any police judge, county judge or justice of the peace, make complaint and information in writing and on oath that he has reason to believe, and does believe, that any intoxicating liquor, describing it as particularly as may be in said complaint, is in said county, in any place described as nearly as may be in said complaint, owned or kept by any person named or described in said information as particularly as may be, and is intended to be or is being by the person named or described in said complaint sold without license in violation of this chapter, said magistrate shall, upon filing said complaint and believing there is probable cause therefor, issue his warrant for the search of the premises described in said complaint and the arrest of the person therein named or described as the case may be, naming and describing the liquors, person and premises as in the complaint, which warrant shall be directed to the sheriff, city or village marshal or constable, as the complainant may request, and said warrant shall further command the officer that if after a thorough and diligent search of said premises he shall seize

Search warrant, how issued.

the said liquor, with the vessels containing it, and to keep the same securely until final action be had thereon; and immediately arrest the person named or described in said warrant or the person in charge of the said liquors, and bring him before said magistrate for examination; and the possession of any of said liquors shall be presumptive evidence of a violation of this chapter and subject the person to the fine prescribed in section eleven, unless after examination he shall satisfactorily account for and explain the possession thereof, and that it was not kept for an unlawful purpose. Where any liquors shall have been seized by virtue of any such warrant, the same shall not be discharged or returned to any person claiming the same, by reason of any alleged insufficiency of the description in the complaint, or warrant, of the liquor or places, but the claimant shall be entitled to an early and speedy hearing on the merits of the cause.

Provided, That in case the place described in said complaint, and to be searched is the residence of the person named or described in said complaint, or any other person, then and in that case the warrant shall not issue unless the complaint shall state that within thirty days, immediately preceeding the filing thereof, that liquor, describing it, has been sold therein in violation of this chapter.

SEC. 2. To be numbered section 21 of said chapter 50.

Persons arrested may be held under bond and liquor destroyed, when.

If upon said examination the magistrate hearing the same shall be satisfied that the

person named or described in the complaint, or found in possession of said liquors, and premises described therein, had been selling liquors without license, in violation of this chapter, or had said liquors so seized in his or her possession with intent to dispose of the same in violation of this chapter, said magistrate shall hold said person so arrested for trial at the next term of the district court and shall order the liquors so seized destroyed by the officer having them in charge; *Provided*, the defendant may appeal from said order to the district court, in which case the liquors shall abide the result of the trial of the defendant in the district court, and if there convicted he shall be fined or imprisoned as in this chapter provided in the discretion of the court, and the court shall further order said liquors destroyed as if the appeal herein provided for had not been taken.

Appeal allowed.

SEC. 3. To be numbered section twenty-two (22) of said chapter fifty (50). In case the defendant is acquitted, he shall be discharged and the liquors returned, but if found guilty, in addition to the payment of a fine he shall pay all costs of prosecution, including a reasonable attorney fee to the prosecuting attorney (in case the county attorney does not prosecute), to be determined by the court, in no case less than twenty-five (\$25) dollars, which shall be taxed in the costs and recovered as other costs. If the defendant be discharged, the costs shall be paid by the complaining witness, unless the court shall sustain the find-

Penalties and costs.

Proceedings in
case no one is
found.

ing that there was probable cause for the complaint. If no one is found in the possession of said premises where said liquors may be found, the officer taking the same shall post in a conspicuous place on said building or premises a copy of his warrant, and take possession of said liquors and the vessels containing the same, and hold them subject to the order of the magistrate, and make return of his doings to the magistrate issuing the warrant. Whereupon it shall be the duty of the magistrate to fix a time for the hearing of the question of the purposes for which said liquors were kept and issue a notice thereof to the officer, who shall post a copy thereof on the building or premises where the liquors were found; *Provided*, That the day so fixed shall not be less than five nor more than ten days from the date of the issuance of said notice. If at the time fixed for said hearing no person appears, or if any person does appear, after a hearing, the magistrate shall be satisfied that said liquors were being kept or sold, or with the intention and for the purpose of being sold in violation of this chapter, the magistrate shall order the same destroyed, and in case there is no appearance by any one claiming to be the owner of said liquors, the costs shall be paid by the county in which the complaint is brought. For cases where the defendant is acquitted, and if any one appears and resists the complaint he shall be adjudged to pay the costs if the liquor be ordered destroyed.

Provided, The possession of said liquors are

not found to be for an unlawful purpose, the magistrate shall order them returned to the place where seized.

Approved March 30th, 1889.

CHAPTER 34.

[Senate File No. 86.]

AN ACT to provide for the punishment of persons guilty of an assault upon another with intent to inflict great bodily injury, and for the punishment of persons guilty of an assault upon another person, with intent to kill the person assaulted.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That if any person assault another with intent to inflict a great bodily injury, he shall be punished, on conviction thereof, by imprisonment in the penitentiary for not less than one (1) year, nor more than five (5) years. Assault to do bodily injury, penalty.

SEC. 2. If any person shall assault another with the intent to kill the person so assaulted, every person so offending shall be imprisoned in the penitentiary not less than one (1) nor more than ten (10) years. Same, to kill, penalty.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 30th, 1889.

CHAPTER 35.

[House Bill No. 20.]

AN ACT to amend section nine (9) of chapter twelve (12) of the Compiled Statutes of 1887, entitled "Chattel Mortgages," and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 9, Chap.
12, Comp. Stat.

Disposing of
mortgaged
property, a
felony, when.

SECTION 1. That section nine (9), of chapter twelve (12), of the Compiled Statutes of 1887, entitled "Chattel Mortgages," be amended so as to read as follows: Section 9. That any person, who after having conveyed any article of personal property to another by mortgage, shall, during the existence of the lien or title created by such mortgage, sell, transfer, or in any manner dispose of the said personal property, or any part thereof so mortgaged to any person or body corporate, without first procuring the consent in writing of the owner and holder of the debt secured by said mortgage, to any such sale, transfer or disposal, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in any sum not less than one hundred dollars, or imprisoned in the penitentiary, for a term not less than one year, nor more than ten years, or both fine and imprisonment at the discretion of the court.

SEC. 2. That section nine (9) of said chapter twelve (12) as now existing is hereby repealed.

Approved March 21st, 18:9.

CHAPTER 36.

[Senate File No. 173.]

AN ACT to provide for the pardon of convicts from the penitentiary in certain cases.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That on the fourth (4th) day of Convicts pardoned, when. July in each year the governor of this state may, in his discretion, grant and issue an unconditional pardon to two convicts in the penitentiary who have been confined therein for ten (10) years or more, and whose conduct while incarcerated in the penitentiary has been such as to entitle him or her to the benefits of the good time act.

SEC. 2. Said pardons shall be issued upon Same, who must recommend. the written recommendation of the Warden of the penitentiary, the Attorney General, Secretary of State, and the Chief Justice of the Supreme Court.

SEC. 3. This act shall not be construed or taken to abridge or deny the power now vested in the Governor to grant pardons, but shall be an addition thereto.

Approved March 14th, 1889.

CHAPTER 37.

[Senate File No. 171]

BANKING.

Section.	Section.
1. Capital required, cash value.	9. Violation, penalty.
2. Report before transacting business, when filed.	10. Reserve funds cash.
3. Same, must make three in each year.	11. Liabilities must not exceed twenty per cent, how.
4. What report must state.	12. Deposits can not be received when.
5. Special reports, when made.	13. Same, penalty for.
6. Bank examiner, clerk, how appointed.	14. Receiver, how appointed.
7. Same, power and duties of.	15. National banks exempted.
8. Same, compensation report.	15a. Savings banks.
	16. Repealing clause.

AN ACT to require corporations, firms and individuals transacting a banking business to make reports of their resources and liabilities to the auditor of public accounts, and to provide for examination of the affairs of such banking institutions, and to fix a minimum capital for the transaction of a banking business; punish the receiving of deposits by insolvent banking institutions, and to provide for winding up their affairs, and to repeal sections one (1), two (2) and three (3), of chapter eight (8), of the Compiled Statutes of Nebraska of 1887.

Be it enacted by the Legislature of the State of Nebraska:

Capital, cash
value.

SECTION 1. It shall be unlawful for any corporation, firm or individual to transact a banking business by receiving money on deposit, buying and selling exchange and the like, unless such corporation, firm or individual shall have property of cash value as follows:

In cities, villages and communities having a population of less than one thousand (1,000) inhabitants, five thousand (\$5,000) dollars; in cities and villages having a population of more than one thousand (1,000) and less than fifteen hundred (1,500) inhabitants, ten thousand (\$10,000) dollars; in cities and villages having

a population of less than two thousand (2,000) and more than fifteen hundred (1,500) inhabitants, fifteen thousand (\$15,000) dollars; in cities having a population of less than three thousand (3,000) and more than two thousand (2,000) inhabitants, twenty thousand (\$20,000) dollars; in cities having a population of less than five thousand (5,000) and more than three thousand (3,000) inhabitants, twenty-five thousand (\$25,000) dollars; in cities having a population of less than ten thousand (10,000) and more than five thousand (5,000) inhabitants, thirty thousand (\$30,000) dollars; in cities having a population of more than ten thousand (10,000) inhabitants, fifty thousand (\$50,000) dollars. Such property shall be in money or in moneys, Same, may consist of what. commercial paper, bank furniture and the necessary bank buildings with the lot or lots on which the same are built, and of the cash value aforesaid, above all incumbrances thereon and in excess of all liabilities owing by said corporation, firm or individual. *Provided*, That real estate, furniture and fixtures shall not constitute more than one-third ($\frac{1}{3}$) of capital.

SEC. 2. Every bank or corporation, firm or individual transacting a banking business, shall, Report before transacting business, where filed. at least ten (10) days before commencing such business, transmit to the auditor of public accounts a report of the character set forth in section four (4) of this act. *Provided*, That every bank or corporation, firm or individual transacting a banking business at the time this act takes effect, shall transmit such report within ten (10) days from such time.

Same, must
make three in
each year.

SEC. 3. Every bank and every corporation, firm or individual transacting a banking business, shall make to the auditor of public accounts not less than three (3) reports during each year, according to the form which may be prescribed by him, which report shall be verified in the case of incorporated banking companies by the oath or affirmation of the president or cashier, and in other cases by the oath or affirmation of a partner, member or business manager. But the officer administering the oath or affirmation to the person verifying such report, shall be in no way interested in such bank as a stockholder, member, partner or bank officer.

Same, what
report must
state.

SEC. 4. Such report shall state the amount loaned upon bond and mortgage; the par value and actual market value of all stock or bond investments, designating each particular kind and the amount invested in each; the amount loaned upon notes, bills of exchange, over-drafts and other personal securities, with the actual market value of such securities; the amount of re-discounts and of commercial paper past due; the amount invested in real estate, giving the cost of the same; the amount of cash on hand and on deposit in banks or trust companies, with their names and the amount deposited in each; the amount of all other assests not enumerated above, and such other information as the auditor of public accounts, state treasurer and attorney-general, or any two of them, may require.

Provided, That commercial paper not in pro-

cess of collection, six (6) months past due with interest unpaid, shall not be included in the report of the assets of such corporation, firm or individual. Each report shall state such resources and liabilities at the close of business on any past day by the auditor of public accounts specified, and shall be transmitted to him within five (5) days after the receipt of a request or requisition therefor from him. And a summary of such report in the form prescribed by the auditor of public accounts, state treasurer and attorney-general, shall be published in a newspaper published in the place where such banking business is transacted, or if there is no newspaper in the place, then in one published nearest thereto in the same county, at the expense of such bank, corporation, firm or individual; and proof of such publication shall be transmitted to the auditor of public accounts.

A summary of report must be published, where.

SEC. 5. The auditor of public accounts, state treasurer, and attorney-general, or any two of them, shall have power to call for special reports from any particular bank, corporation, firm or individual transacting a banking business, whenever, in their judgment the same are necessary, in order to a full and complete knowledge of his or its condition.

Special Reports, when called for.

SEC. 6. The auditor of public accounts, state treasurer and attorney-general, or any two of them, shall appoint a suitable person to perform the clerical work necessary to carry out the provisions of this act. They shall also appoint a suitable person or persons having a

Bank examiner and clerk, how appointed.

practical knowledge of banking, to make an examination of the affairs of every bank, and every corporation, firm, or individual transacting a banking business, as often as shall be deemed necessary and proper, and at least once in every year. But no person shall be appointed to examine the affairs of any bank or corporation, firm or individual transacting a banking business who is an officer, stockholder, member, partner or clerk in any banking institution of this state. The auditor of public accounts, state treasurer and attorney general, or any two of them, may at any time remove any person so appointed by them.

Removal.

Same, power and duties of.

SEC. 7. The person or persons so appointed shall have power to make a thorough examination into all the books, papers and affairs of the bank, or corporation, firm or individual transacting a banking business, and, in so doing, to administer oaths and affirmations and to examine on oath or affirmation any individual banker and the officers, agents, partners, and clerks of such bank, corporation, firm or individual, touching the matters he or they shall be directed or may desire to inquire into; and to summon, and by attachment compel the attendance, of any inhabitant of the state, to testify under oath before him or them in relation to the affairs of such corporation, firm or individual. The person or persons making such examination shall make a full and detailed report of the condition of such corporation, firm or individual to the auditor of public accounts.

Examiners' detailed report.

Same, compensation fee report.

SEC. 8. Every person appointed to examine

the affairs of any bank, corporation, firm or individual transacting a banking business, shall receive compensation for such examination at the rate of ten (\$10) dollars for each day by him employed in such examination, which shall be paid to him by the bank, corporation, firm or individual whose affairs are examined; *Provided*, That the fees paid by any such corporation, firm or individual for any such single examination shall not be less than ten (\$10) dollars nor more than twenty (\$20) dollars, and that no such corporation, firm or individual shall be required to pay for more than one such examination in any one year; and *Provided, further*, that all fees collected by any such examiner in excess of the sum of two thousand (\$2,000) dollars per annum and all his necessary traveling expenses, shall be paid into the state treasury for the benefit of the general fund. Every person appointed as such examiner shall make at the end of every year to the auditor of public accounts, state treasurer and attorney-general a detailed report of all fees collected by him under this act, and of all his necessary traveling expenses in the performance of his duties as such examiner; and shall give a bond in the sum of ten thousand (\$10,000) dollars, executed by himself with two sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties as such examiner.

SEC. 9. Every bank, corporation, firm or individual who shall fail or neglect to make any report required by the provisions of this

Violation, penalty.

act, shall be subject to a penalty of fifty (\$50) dollars for each day after the periods respectively therein mentioned, that he or it delays to make and transmit such report, to be recovered by and for the state in a civil action; and every person who shall wilfully and knowingly subscribe or make, or cause to be made, any false statement or false entries in the books of any bank, corporation, firm or individual transacting a banking business, or shall knowingly subscribe or exhibit false papers with the intent to deceive any person or persons authorized to examine into the affairs of said bank, corporation, firm or individual, or shall make, state or publish any false statement of the amount of the capital, assets, surplus or undivided profits of any such corporation, firm, or individual, shall be deemed guilty of a felony and upon conviction thereof shall be fined not exceeding ten thousand (\$10,000) dollars, and be imprisoned in the state penitentiary not less than one (1) nor more than five (5) years.

Reserve funds. SEC. 10. [*Reserve funds.*—Every bank shall at all times have on hand as a reserve, in available funds, an amount equal to at least fifteen (15) per centum of the aggregate amount of its deposits and immediate liabilities, which said reserve shall be twenty (20) per centum in banks located in cities having a population of twenty-five thousand (25,000) or over;

Savings banks. *Provided*, That savings banks doing an exclusively savings bank business, shall have on hand at all times as a reserve in available funds an amount equal to at least five (5) per cent.

of its deposits and immediate liabilities. The available funds shall consist of cash on hand and balances due the corporation, firm or individual from good solvent banks. Immediate liabilities shall include all claims against the corporation payable on demand. Cash shall in- ^{Cash.} clude specie, legal tender notes, bills of solvent banks, and exchange for any clearing house association. Whenever the available funds of any bank shall fall below the reserve herein required, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting or purchasing bills of exchange payable at sight; nor shall such bank make any dividends of its profits until it has on hand the available funds required by this act. The auditor of public ac- ^{Deficiency must be made good.} counts may notify any such bank, in case its reserve shall fall below the amount required, to make good such reserve without delay, and any failure for the period of thirty (30) days by such corporation, firm or individual, to make good any deficiency in the amount of his or its deposits required to be kept on hand, shall be cause for the appointment of a receiver as provided by section fourteen (14) of this act.

SEC. 11. The total liabilities of any corporation, firm or individual to any bank or corporation, firm or individual transacting a banking business for money borrowed, including in the liabilities of a corporation or firm the liabilities of the several members thereof, shall at no time exceed twenty (20) per centum of the capital of the banking corporation, or firm or ^{Liabilities must not exceed twenty per cent., how.}

individual banker, and in no case shall the total liabilities of the stockholders of any bank or corporation transacting a banking business, to said bank or corporation exceed fifty (50) per cent. of the paid up capital of said bank or corporation. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Deposits can
not be re-
ceived, when.

SEC. 12. No bank, corporation, firm or individual engaged in the banking, broker, exchange, or deposit business shall accept or receive on deposit, with or without interest, any money, bank bills or notes, or United States treasury notes, or currency, or other notes, bills or drafts, circulating as money or currency, when such bank or corporation, firm or individual is insolvent.

Same, penalty
for.

SEC. 13. If any such bank, corporation, firm or individual shall receive or accept on deposit any such deposits as aforesaid when insolvent, any officer, director, cashier, manager, member, party, or managing party thereof, who shall knowingly receive or accept, be accessory, or permit, or connive at the receiving or accepting on deposit therein or thereby, any such deposits as aforesaid, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the penitentiary not exceeding five (5) years, or by both fine and imprisonment as aforesaid.

SEC. 14. Whenever it shall appear to the Receiver, how appointed. auditor of public accounts, state treasurer and attorney general, or any two (2) of them, from any examination or report provided for by this act, that any corporation, firm or individual transacting a banking business is the owner of property of the kind required by this act, of the cash value of less than the amount herein required above all incumbrances thereon, and in excess of all liabilities due from said corporation, firm or individual, or is conducting his or its business in an unsafe and unauthorized manner and is jeopardizing the interest of his or its depositors, and that it is unsafe and inexpedient for any such corporation, firm or individual to continue to transact a banking business, they shall communicate the facts to the attorney-general, who shall thereupon apply to the supreme court or the district court of the county where such corporation, firm, or individual has his or its banking office, or to a judge of either, for the appointment of a receiver to take charge of and wind up such banking business. It shall be sufficient to authorize the appointment of a receiver, on the application of the attorney-general, that the facts set forth in this section shall be made to appear.

SEC. 15. This act does not apply to banks National banks exempted. organized under the national banking act of the United States.

SEC. 15a. Savings banks shall not be subject Savings banks. to the provisions of section one (1) of this act, but no savings bank shall carry on business in

this state with a paid up capital of less than twelve thousand (\$12,000) dollars, nor shall any savings bank receive deposits to an amount exceeding ten (10) times the aggregate of its paid up capital stock and surplus. Under the term savings bank as named in this act shall be included only such banks as do a savings bank business exclusively, paying out money only on presentation of pass books and certificates of deposit, discounting and buying no commercial paper, and reserving the right to demand notice before paying deposits.

Repealing
clause.

SEC. 16. Sections one (1), two (2) and three (3) of chapter eight (8) of the Compiled Statutes of Nebraska of 1887, entitled "Banks," are hereby repealed.

Approved March 29th, 1889.

CHAPTER 38.

[Senate File No. 16.]

STREET RAILWAY CONSOLIDATION.

Section.

1. Consolidation, manner of.
2. Same, articles, when filed.
3. Rights vested in new corporation.
4. Company may subscribe to capital stock of another, how own.

Section.

5. May lease or purchase, how.
6. May borrow money, issue bonds.
7. Street railway defined.
8. Emergency clause.

(AN ACT to enable street railways to unite their roads by consolidation, purchase, sale or by subscription to or purchase of capital stock, and to mortgage their railways and property for the construction, equipment and extension of their roads.

Be it enacted by the Legislature of the State of Nebraska:

Consolidation,
manner of.

SECTION 1. Any street railway company ex-

isting in pursuance of law in this state or which may be hereafter created and organized therein, any portion of whose road has been located and constructed so as to form with the road of any other street railway company existing, created and organized as aforesaid, connected or continuous lines and routes of travel or transportation, is hereby authorized to consolidate its railway property and appurtenances with such other street railway and its property and appurtenances into a single corporation.

Provided, That any such consolidation or transfer of the property, rights, powers and franchises of any such company shall not in any manner impair or affect any existing right of reversion under which any of said companies now chartered or organized may exist, in the manner following:

The board of directors of said two or more Agreements. corporations may enter into an agreement, under the corporate seals of each, for the consolidation of said two or more corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors thereof, which shall not be less than seven (7) nor more than eleven (11), the time and place of holding the first election of directors, the number of shares of stock in the new corporation, the amount of each share, the manner of converting the shares of corporate stock in each of said two or more corporations into shares in such new corporation, the manner of compensating stockholders in

each of said two or more corporations who refuse to convert their stock into the stock of such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations, and such resulting consolidated corporation shall by operation of law succeed to and hold in perpetuity all the property, rights, powers and franchises converted upon said constituent companies, and shall assume and perform all the public obligations, duties, agreements and requirements as common carriers imposed upon said constituent companies.

Same, must be filed with secretary of state and county clerk.

SEC. 2. Upon making the agreement mentioned in the preceeding section in the manner required therein and filing a duplicate thereof in the office of the secretary of state and county clerk of the county in which the corporation exists, accompanied by the consent in writing of the owners of two-thirds ($\frac{2}{3}$) of the capital stock of each of said constituent companies, and consent being duly acknowledged by a notary public under his seal of office in like manner as is prescribed for the acknowledgment of deeds, the said two or more corporations shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

Rights vested in new corporation, what.

SEC. 3. Upon the election of the first board of directors of the corporation created by the agreement in the preceding sections mentioned, all and singular, the rights and franchises of

each and all of said two or more corporations, parties to such agreement, and all and singular, the rights and interest in and to every species of property, real, personal and mixed, and things in connection, shall be deemed to be transferred to and vested in such new corporation without any other deed or transfer, and such new corporation shall hold and enjoy the same and all other rights of property vested in the said two or more corporations, *Provided*, that all the rights of creditors and all liens upon the property of either of said corporations shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same.

✓ 12 54

SEC. 4. Any street railway company existing in pursuance of law in this state, may, at any time, by means of subscription to the capital stock of any other company, or otherwise aid such company in the construction of its road for the purpose of forming a connection with the line of road owned by such other company.

Subscriptions
of capital stock
to one com-
pany by
another, how.

SEC. 5. Any street railway company existing in pursuance of law in this state may lease or purchase any part or all of any other street railway constructed by any other company, or may purchase the capital stock of the same or may sell and convey by deed or otherwise, or may lease to another street railway company any part or all of its own railway and franchises upon such terms and conditions as may be agreed upon between the said companies respectively, and any two or more street rail-

May lease or
purchase, how.

way companies, whose lines are so connected as to form continuous routes of travel, may perfect any arrangement for their common benefit to assist and promote the object for which they were created.

May borrow
money and
issue bonds.

SEC. 6. Any street railway existing in pursuance of law in this state shall have power and is hereby authorized to mortgage and execute deeds of trust upon its railway and property, in whole or in part, including its real and personal property and franchises, to secure money borrowed for the construction and equipment of their roads, and may also issue their corporate bonds in sums not less than one thousand dollars (\$1,000), to make all of said mortgage or deeds of trust payable to bearer or otherwise negotiable by delivery, bearing interest at rates not to exceed seven (7) per centum per annum, convertible into capital stock or not at the option of the holder, and may sell the same at such rates and prices as they may deem proper, and if said bonds shall be sold below their nominal par value they shall be valid and binding upon the company. The principal and interest of said bonds, or either of them, may be made payable within or without this state, at such place as may be determined upon by said company.

Street railway
defined.

SEC. 7. The words, "street railway," as used in the foregoing section, shall be construed to embrace all street railroads built and operated for the conveyance of passengers along the streets and alleys and public thoroughfares of cities in this state, the motive power by which the same

may be operated shall be restricted to horse, mule, electric, or cable powers.

SEC. 8. Whereas, an emergency exists, this ^{Emergency clause.} act shall be in force and take effect from and after its passage.

Approved February 12th, 1889.

CHAPTER 39.

[House Roll No. 334.]

AN ACT to amend sections one hundred and sixty-five (165) and one hundred and sixty-six (166) of chapter sixteen of the Compiled Statutes of Nebraska, entitled "Corporations," and to repeal said original sections.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That sections one hundred and ^{Amends, Sec. 165 and 166, Chap. 16, Comp. Stat.} sixty-five (165) and one hundred and sixty-six (166) of chapter sixteen (16) of the Compiled Statutes of Nebraska, entitled "Corporations," be amended so as to read as follows:

Section 165. All organizations known ^{as Incorporation.} subordinate lodges of the Ancient Free and Accepted Masons, all organizations known as subordinate lodges of the Independent Order of Odd Fellows, all organizations known as the subordinate granges to the Nebraska State Grange, all organizations known as Good Templars, which have been or may hereafter be regularly chartered by the respective grand lodges or bodies of the several orders or organizations in the state of Nebraska, and also the organization known as the Grand Army of the Re-

public, Department of Nebraska, together with such posts of said Grand Army of the Republic within this state as have been or may hereafter be established and chartered by said department, and all organizations known as subordinate lodges of the Order of Bohemian Benevolent Society C. S. P. S., and the auxiliary societies of the Woman's Christian Temperance Union, as have been or may hereafter be established, be and they are hereby incorporated, and shall be hereafter entitled to all the privileges and rights incident to bodies corporate, so long as they retain their respective organizations and charters aforesaid.

Title and powers.

Section 166. All subordinate lodges of Masons, Odd Fellows, Good Templars, and all subordinate Granges, all Posts of the Grand Army of the Republic, and Bohemian Benevolent Association C. S. P. S., and Woman's Christian Temperance Union, shall be known by the name and title designated in their several respective charters, as issued by the said grand lodges, department, or organization, by which name they shall be capable of suing and being sued, pleading and being impleaded, in the several courts of this state the same as natural persons, and shall have power to hold and convey real estate and personal property, and do any and all things usually done by corporations.

SEC. 2. That sections one hundred and sixty-five (165) and one hundred and sixty-six (166) of chapter sixteen (16) of the Compiled Statutes of Nebraska, entitled "Corporations," as

now existing, be and the same are hereby repealed.

Approved March 29th, 1889.

✕

CHAPTER 40.

[House Roll No. 192.]

AN ACT to amend section thirteen (13) of Chapter ninety-two (92) of the Compiled Statutes of Nebraska of 1887, entitled, "Warehousemen."

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section 13 of chapter 92 of the Compiled Statutes of Nebraska of 1887, entitled, "Warehousemen," be and the same is hereby amended so as to read as follows:

SEC. 13. Any packer of pork or beef, or any manufacturer of distilled spirits or of linseed oil, having a warehouse for the storage of his own products; and any keeper of an elevator, warehouse, crib or tanks wherein he stores his own grain, flax seed or linseed oil, may issue receipts for his own meats, spirits, grain, flax seed or linseed oil which he actually has so stored, in the usual form of warehouse receipts, which shall have the same force and effect as the receipts issued by the keeper of a public warehouse, to parties having property so stored therein, which receipts shall be negotiable by indorsement, and entitle the bona fide holder thereof advancing money on the credit of the same to a lien upon the property so stored and described therein, for the money so advanced,

Amendment to
Sec. 13, Chap.
92, Comp. Stat.

Warehouse
receipts, nego-
tiable paper,
lien.

as to all subsequent purchasers and creditors of any person interested therein from the issue of such receipts and the advance of such money.

Repealing
clause.

SEC. 2. Said section 13 as heretofore existing and all acts and parts of acts in conflict with this act are hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved March 29th, 1889.

X

CHAPTER 41.

[House Roll No. 72.]

AN ACT to require all trains run upon railroads in this state to come to a full stop before crossing any other road, and to provide penalties for its violation.

Be it enacted by the Legislature of the State of Nebraska:

Trains must
stop, when.

SECTION 1. All railroad trains and locomotives without trains shall come to a full stop at least two hundred feet and not more than eight hundred feet from the crossing of the other railroads, and the engineer shall sound two long blasts of the whistle before starting forward, except where said railroads maintain a semaphore and gate with torpedo attachment, and when the signals indicate the crossing to be clear no stop need be made.

Same on older
road may cross
first.

SEC. 2. When trains, or locomotives without trains, approach a crossing simultaneously, the one on the older road shall have the right to cross first, and the last train to cross shall not

start until the first train has cleared the crossing and signal indicates that track is clear.

SEC. 3. Every engineer violating the provisions of the preceding section shall for each offense forfeit one hundred dollars, to be recovered in the name of the State of Nebraska for the benefit of the school fund; and the person, persons or corporations on which road such offense is committed, shall forfeit for each offense so committed, the sum of two hundred dollars, to be recovered in like manner.

SEC. 4. This act shall take effect and be in force from and after the first day of July, 1889.

Approved March 21st, 1889.

CHAPTER 42.

[House Roll No. 491.]

AN ACT to enable foreign corporations to become domestic corporations of this state.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That any corporation organized under the laws of any other state or states, territory or territories, which has filed, or may hereafter file with the secretary of state of this state a true copy of its charter or articles of association, shall on filing with the secretary of state a certified copy of a resolution adopted by its board of directors, accepting the provisions of this act, be and become a body corporate of this state.

Foreign corporations may incorporate in this state, how.

Repealing
clause.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 19th, 1889.

CHAPTER 43.

[Senate File No. 154.]

JURIES IN COUNTIES HAVING A POPULATION OF SEVENTY THOUSAND.

Section.

1. List by county commissioners or supervisors.
2. Same, duties of county board.
3. List may be made, when.
4. Selections, how made.
5. Same, clerk of district court, duties of.
6. Same, county clerk, duties of.
7. Jurors, how drawn.

Section.

8. Grand jury, how selected.
9. Petit jurors, summons to issue, when.
10. Same, excess may be discharged by order of court, panel filled, how.
11. Same, exhausted panel how filled.
12. Challenges.
13. Panel, how drawn.

AN ACT to provide for the manner of selecting, drawing and summoning grand and petit jurors in counties having a population of seventy thousand (70,000) or more, to prescribe the qualifications of such jurors, to provide for the punishment of persons seeking to serve as jurors or seeking to have other persons selected as jurors, and to repeal sections six hundred and fifty-eight (658), six hundred and fifty-nine (659), six hundred and sixty (660), six hundred and sixty-one (661), and six hundred and sixty-five (665), of the Code of Civil Procedure and all acts and parts of acts in conflict herewith.

Be it enacted by the Legislature of the State of Nebraska:

List by county
commis-
sioners.

SECTION 1. That the county board of commissioners or supervisors of counties having a population of seventy thousand (70,000) or

more, shall, at or before the time of its meeting in January of each year, or at any time thereafter when necessary for the purposes of this act, make a list of a sufficient number, not less than one-tenth of the legal voters of each town or precinct in the county, giving the place of residence of each name on the list, to be known as the jury list.

SEC. 2. At the meeting of the county board in the respective counties in this state, having a population of seventy thousand (70,000) or more, in January in the year 1889 and in each year thereafter, such board shall select from such list a number of persons equal to one hundred for each trial term of the district and other courts of record, except county courts which may be provided by law to be held during the succeeding year. In making such selection, the county board shall choose a proportionate number from the residents of each town or precinct, and shall take the names of such only as are:

Same, duties of county board.

First—Inhabitants of the town or precinct not exempt from serving on juries.

Second—Of the age of twenty-one years or upwards and under sixty years old.

Third—In the possession of their natural faculties.

Fourth—Free from all legal exceptions, of fair character, of approved integrity, of sound judgment, well informed, and who understand the English language.

SEC. 3. If for any reason the list or the selection provided for in the foregoing sections

List may be made, when.

of this act shall not be made at the meeting of the board held at the time specified, such list or selection shall be made at any meeting to be held as soon thereafter as may be.

Selections,
how made.

SEC. 4. At the time of making such selection the name of the person selected shall be checked off from such list, and shall not be again selected as a juror till every person named upon such list qualified to serve as a juror has been selected, and all subsequent selections of jurors by such board shall be made from such list until all persons thereon qualified to serve have been selected, or until the expiration of two years from the time of the making of such list, when a new list shall be made; *Provided*, If any person who has been selected as a juror shall not have been drawn or have served upon a jury during the year for which he was selected, he shall, if qualified, be selected for the next year.

Same, clerks
of district
court, duty of.

SEC. 5. As often as one list shall have been exhausted another shall be furnished, as provided in section one (1) of this act, and the jurors shall be selected therefrom in the manner provided in sections two (2) and three (3). The clerks of the district courts and other courts of record in the county, shall, at the end of each term of court, furnish the county clerk a list of all persons who have served as jurors during the term.

Same, county
clerk, duties of.

SEC. 6. A list of jurors so selected shall be kept in the office of the county clerk, who shall write the name and residence of each person selected upon a separate ticket, and put the

whole into a box or wheel to be kept for that purpose.

SEC. 7. At least twenty days before the first ^{Jurors, how drawn.} day of any trial term of any of said courts the clerk of such courts shall repair to the office of the county clerk, and in the presence of such county clerk, after the box or wheel containing said names has been well shaken by the county clerk, and without partiality, draw from said box the names of a sufficient number of said persons then residents of said county not less than thirty for each two weeks, that such court will probably be in session for the trial of law cases to constitute the petit jurors for that term, and where there is an additional judge in such court, a like number for each additional judge requiring a jury, unless such court shall otherwise order; *Provided*, That should the clerk draw from the said box the name of a person whom he may know to be dead, or to have been selected as a grand juror, a non-resident absent from the state, unable to attend in consequence of illness or that he is legally disqualified to serve as a juror, it shall be the duty of said clerk to report the name of such person to the county clerk, and said clerk of such court shall draw other names until the required number shall have been selected.

Provided, Also, That whenever there shall be ^{Special panel.} pending for trial in any of said courts, any criminal cause wherein the defendant is charged with a felony and the judge holding said court shall be convinced from the circumstances of the case that a jury cannot be obtained from

the regular panel to try said cause, said judge may in his discretion prior to the day fixed for the trial of said cause direct the clerk to draw (in the same manner as the regular panel is drawn), not exceeding one hundred names, as a special panel, from which a jury may be selected to try said cause.

Grand jury,
how selected.

SEC. 8. If a grand jury shall be required by law or by order of the judge for any term of court, it shall be the duty of the county board, in each of the counties in this state wherein such court is directed to be holden, at least twenty (20) days before the sitting of such court to select twenty-three (23) persons possessing the qualifications as provided in section two (2) of this act, and as near as may be a proportionate number from each town or precinct in their respective counties to serve as grand jurors at such term; and to cause the county clerk within five days thereafter to certify the names of the persons so selected as grand jurors to the clerk of the court for which they are selected, who shall issue and deliver to the sheriff of the county wherein the court is to be held, at least ten days before the term of the court for which they shall have been selected or during term time, if the court shall order, a summons commanding him to summon the person so selected as aforesaid to appear before such court at or before the hour of eleven (11) o'clock a. m., on the first day of the term or upon such other day as the judge shall direct to constitute a grand jury for such term. The sheriff shall serve such summons in the man-

Same, clerk of
court to issue
summons.

ner provided for service of summons on petit jurors, and for any refusal or neglect so to do shall be deemed guilty of contempt of court and may be fined therefor as provided in section six hundred and sixty-seven (667) of the Code of Civil Procedure. The judge shall examine Same, how constituted. the jurors who appear, and if more than sixteen grand jurors who are qualified and not subject to any exemption or any of the disqualifications provided in this act shall appear and remain after all excuses are allowed, the sheriff or deputy sheriff shall draw by lot the names of the number in excess of sixteen who shall be discharged by the court; and the sixteen remaining shall constitute the grand jury.

SEC. 9. The clerk of the court shall within Petit juror, summons to issue when. five days after such drawing issue to the sheriff a summons commanding him to summon as petit jurors, a sufficient number, not less than thirty of the persons so drawn, giving their residences, to appear at the place of holding such court, at the hour of ten o'clock a. m. of the first day of the term or upon such other day of the term as the judge shall direct, and a like number to appear at the same place and hour two weeks after the time at which the former number of jurors were summoned to appear, and the same number for each two weeks thereafter. the court will probably be in session, which summons shall be served as provided in section six hundred and sixty-two (662) of the Code of Civil Procedure.

SEC. 10. The judge shall examine the jurors Same, excess may be discharged by order of court or panel filled. who appear and if more than twenty-four petit

jurors who are qualified and not subject to any exemptions or any of the disqualifications provided in this act shall appear and remain after all excuses are allowed, the court shall discharge by lot the number in excess of twenty-four. If for any reason the panel of petit jurors shall not be full at the opening of such court, or at any time during the term the clerk of such court may again repair to the office of the county clerk and draw in the same manner as at the first drawing such number of jurors as the court shall direct to fill such panel who shall be summoned in the same manner as the others, and, if necessary, jurors may continue to be so drawn and summoned from time to time until the panel shall be filled.

Bystanders
may be chosen
when.

In case a jury shall be required in such court for trial of any cause, before the panel shall be filled in the manner herein provided, the court shall direct the sheriff to summon from the bystanders, or from the body of the county, a sufficient number of persons having the qualifications of jurors, as provided in this act, to fill the panel, in order that a jury to try such cause may be drawn therefrom, and when such jury is drawn, the persons selected from the bystanders, or from the body of the county, to fill the panel, and not chosen on the jury, shall be discharged from the panel and those who shall be chosen to serve on such jury shall also be discharged from the panel at the conclusion of the trial. *Provided*, That persons selected from the bystanders, as provided in this section, shall not thereby be disqualified or exempt from

service as jurors, when regularly drawn by the clerk for that purpose, in the manner provided in this act.

SEC. 11. When by reason of challenge in the selection of a jury for the trial of any cause, or by reason of the sudden sickness or absence of any juror for any cause, the regular panel shall be exhausted, the court may direct the sheriff to summon a sufficient number of persons having the qualifications of jurors to fill the panel for the pending trial; but upon objection by either party to the cause to the sheriff summoning a sufficient number of persons to fill the panel, the court shall appoint a special bailiff to summon such persons *Provided*, The same person shall not be appointed special bailiff more than once at any term of court. Any person who shall seek the position of juror, or who shall ask any attorney or other officer of the court or other person to secure his selection as a juror shall be deemed guilty of a contempt of court and be fined not exceeding twenty (\$20) dollars, and shall thereby be disqualified for serving as a juror for that term and such fact shall be sufficient ground for challenge. Any attorney or party to a suit pending for trial at that term who shall request or solicit the placing of any person upon a jury shall be deemed guilty of a contempt of the court and be fined not exceeding one hundred (\$100) dollars, and the person so sought to be put upon the jury shall be disqualified to serve as a juror at that term of court.

Same, exhausted panel, how filled.

Special bailiff.

Seeking place on jury, contempt of court, penalty.

Challenge,
cause of.

SEC. 12. It shall be sufficient cause of challenge of a petit juror that he lacks any one of the qualifications mentioned in section two (2) of this act, or in section six hundred and fifty-seven (657) of the Code of Civil Procedure, or if he is not one of the regular panel, that he has served as a juror on the trial of a cause in any court of record in the county within one year previous to the time of his being offered as a juror, or that he is a party to a suit pending for trial in that court at that term. It shall be the duty of the court to discharge from the panel all jurors who do not possess the qualifications provided in this act, as soon as the fact is discovered; *Provided*, If a person has served on a jury in a court of record within one year he shall be exempt from again serving during such year unless he waives such exemption; *Provided, further*, That it shall not be a cause of challenge that a juror has read in the newspapers an account of the commission of the crime with which the prisoner is charged, if such juror shall state on oath that he believes he can render an impartial verdict according to the law and the evidence; and *Provided, further*, That in the trial of any criminal cause the fact that a person called as a juror has formed an opinion or impression based upon rumor or upon newspaper statements (about the truth of which he has expressed no opinion) shall not disqualify him to serve as a juror in such case, if he shall upon oath state that he believes he can fairly and impartially render a verdict therein in accordance with the law and

the evidence, and the court shall be satisfied of the truth of such statement.

SEC. 13. It shall be the duty of the clerk of Panel, how drawn. the court at the commencement of each week of the term to write the name of each petit juror summoned and retained for that week, on a separate ticket and put the whole into a box or other place for safe keeping and as often as it shall be necessary to empanel a jury, the clerk, sheriff or coroner shall in the presence of the court draw by chance twelve names out of such box or other place, which shall designate the twelve to be sworn on the jury, and in the same manner for the second jury in their turn, as the court may order and direct.

SEC. 14. Section six hundred and fifty-eight Repealing clause. (658), six hundred and fifty-nine (659), six hundred and sixty (660), six hundred and sixty-one (661), six hundred and sixty-five (665), of the Code of Civil Procedure and all acts and parts of acts in conflict herewith shall be repealed so far as respect counties having a population of seventy thousand (70,000), or more; *Provided*, That the existing law relating to juries shall be in effect in the respective counties until such time as the county boards of the respective counties having a population of seventy thousand (70,000), or more, shall have complied with the provisions of this act.

SEC. 15. Whereas, an emergency exists, this Emergency clause. act shall be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 44.

[Senate File No. 7.]

AN ACT entitled "An act to amend sections one (1) and three (3) of an act entitled, 'An act to apportion the state into judicial districts and for the appointment and election of officers thereof.'" Approved March 31, 1887. And to repeal said original sections.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 1, Chap. 6,
Laws 1887.

SECTION 1. That section one (1) of an act entitled "An act to apportion the state into judicial districts and for the appointment and election of officers thereof." Approved March 31, 1887, be so amended as to read as follows:

Apportion-
ment of dis-
tricts.

Section 1. The state of Nebraska shall be divided into twelve judicial districts as follows:

First District, Richardson, Nemaha, Johnson, Pawnee and Gage counties.

Second District, Lancaster, Otoe and Cass counties.

Third District, Douglas Sarpy, Washington and Burt counties.

Fourth District, Saunders, Butler, Colfax, Dodge, Platte, Merrick and Nance counties.

Fifth District, Saline, Jefferson, Fillmore, Thayer, Nuckolls and Clay counties.

Sixth District, Seward, York, Hamilton and Polk counties.

Seventh District, Cuming, Stanton, Wayne, Dixon, Dakota, Madison, Antelope, Pierce, Cedar and Knox counties, Winabago and

Omaha reservations, and the unorganized territory north of Knox county.

Eighth District, Adams, Webster, Kearney, Franklin, Harlan and Phelps counties.

Ninth District, Boone, Hall, Wheeler, Greeley, Garfield, Loup, Valley, Howard, Blaine and Thomas counties, and the unorganized territory west of Thomas county.

Tenth District, Buffalo, Dawson, Custer, Lincoln, Logan, Sherman, Keith, Perkins, Cheyenne, Deuel, Scott's Bluff, Kimball and Banner counties, and the unorganized territory west of Logan county.

Eleventh District, Gosper, Furnas, Frontier, Red Willow, Hayes, Hitchcock, Chase and Dundy counties.

Twelfth District, Holt, Brown, Keya-Paha, Cherry, Sheridan, Dawes, Sioux and Box-Butte counties, and the unorganized territory north of Holt and Keya-Paha counties; *Provided*, That in the third district there shall be four judges of the district court; that in each of the following districts to-wit: First, second, fourth, seventh, ninth and tenth districts there shall be two judges of the district court, and in each of the other of said districts there shall be one judge of the district court. All judges shall be elected for the term of, and hold their office for four years from and after the first day of January next succeeding their election. Said judges shall be elected at the general election to be held in November, A.D., 1887, and every four years thereafter. Such judges shall have equal power,

and shall each perform such duties as are now provided by law, or such as may hereafter be imposed upon them by law, and it shall be the duty of such judges to so divide and arrange the business of said court, between them, that the trial of causes may be speedy. In each district having more than one judge of the district court, there shall be drawn in the manner now provided by law a panel of forty-eight jurors, to serve as jurors in said court; *Provided*, That in any county in such districts where such number of jurors may not be required, the judges may, by appropriate rule, provide for the drawing of a less number. And *Provided, further*, When there shall be more than two judges of the district court in any one district, they may provide by appropriate rule for the drawing of a greater number of jurors.

Amendment to
Sec. 3, Ch. 6,
laws 1887.

SEC. 2. That section three (3) of said act be so amended as to read as follows:

Vacancies,
how filled.

SEC. 3. The governor shall appoint judges to fill all vacancies created by this act, including the additional judge as provided in section one (1) of this act, who shall hold his office until the general election in 1889, when such vacancy shall be filled by election in the same manner as such officers are elected in other districts, to hold his office until the general election for the election of judges as provided in section one (1) of this act. At such time said judges shall be elected to fill the unexpired term until the general election in 1891.

Repealing
clause.

SEC. 3. All acts and parts of acts in conflict

with the provisions of this act are hereby repealed.

SEC. 4. That, whereas, an emergency exists, ^{Emergency clause.} this act shall take effect and be in force from and after its passage.

Approved March 22d, 1889.

CHAPTER 45.

[House Roll No. 83.]

AN ACT to amend section forty-five (45) of chapter nineteen (19) of the Compiled Statutes of Nebraska of 1887, entitled "Courts, Supreme and District,"

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section forty-five (45) of chapter nineteen (19) of the Compiled Statutes of Nebraska, be and the same is hereby amended ^{Amendment to Sec. 45, Chap. 19, Comp. Stat.} so as to read as follows:

Section 45. There shall be appointed within and for each of the judicial districts of this state by the district judge, a stenographic reporter who shall be well skilled in the art of stenography, and capable of reporting the oral proceedings had in court, verbatim, and said reporter or his deputy shall not be allowed to practice law in the district court within and for the district he is appointed during the tenure of his office as such stenographer. ^{Short-hand reporter.}

SEC. 2. That section forty-five (45) of chapter nineteen (19) of the Compiled Statutes, ^{Repealing clause.} entitled "Courts," is hereby repealed.

SEC. 3. Whereas an emergency exists, this ^{Emergency clause.}

act shall take effect and be in force from and after its passage.

Approved, March 27th, 1889.

CHAPTER 46.

[House Roll No. 318.]

AN ACT to amend section fourteen (14) of chapter nineteen (19) of the Compiled Statutes.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 14, Chap.
19, Comp. Stat.

SECTION 1. That section fourteen (14), of chapter nineteen (19), of the Compiled Statutes be and the same is hereby amended as follows:

Terms.

Section 14. Terms of the supreme court shall be held at the capital, beginning on the first Tuesday in January and the third Tuesday in September of each year.

Repealing
clause.

SEC. 2. Section fourteen (14), of chapter nineteen (19), of the Compiled Statutes, as published in 1887, is hereby repealed.

Approved March 29th, 1889.

CHAPTER 47.

[House Roll No. 282.]

AN ACT to require insurance companies organized under the laws of other states and doing business in Nebraska, to pay a duty or rate for the support of fire companies composing the fire department of any city or village.

Be it enacted by the Legislature of the State of Nebraska:

Rate per cent.
on premiums,
when payable.

SECTION 1. There shall be paid on the first

days of July and January in each year to the treasurer of any city or village organized under the laws of this state for the use, support and benefit of the companies composing such fire department, by every underwriter who shall effect any fire insurance and by every person who shall act as agent for any fire insurance corporation, company, association, or underwriter whatever, in such city or village, a duty or rate of two per centum upon the amount of all premiums which, during the year, or a part of a year, ending on the next preceding first day of July, or January, shall have been received by such underwriter or agent, or by any other person for him, or shall have been agreed to be paid upon any insurance effected, or agreed to be effected or promised by him as such agent or otherwise against loss or injury by fire in any such city or village.

SEC. 2. No person shall in any such city or village as underwriter, agent or otherwise, effect or agree to effect, or procure to be effected, any insurance upon which the above duty or rate is required to be paid until he shall have executed and delivered to such treasurer, a bond in the sum of one thousand dollars, with such sureties as such treasurer shall approve, conditioned, that he will render to such treasurer, on the first days of July and January in each year, a just and true account, verified by his affidavit, of all premiums which, during the six months immediately preceding such report, shall have been received by him, or any other person for him, or agree to be paid for any

Agent must
give bond to
treasurer.

insurance against loss or injury by fire in any such city or village, which shall have been effected or agreed to be effected by him, and that he will semi-annually on the first days of July and January in each year, pay to the said treasurer two per centum upon the full amount of such premiums, for the use, support and benefit of such fire departments as aforesaid.

Violation,
penalty.

Sec. 3. Every person who shall effect or agree to effect any fire insurance in any such city or village without having executed and delivered such bond, or who shall wilfully omit or refuse to pay such duty or rate, shall be deemed guilty of a misdemeanor, and for each offense shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail, not exceeding six months, or both, in the discretion of the court. Said duty or rate may also be recovered of such fire insurance corporation, company, or association, or its agent, or both, by action in the name and for the use of such fire department, as for money had and received for its use, support and benefit as aforesaid.

Requirements
of this act ap-
ply, when.

SEC. 4. The requirements of this act shall apply only to such cities and villages as have an organized fire department of at least one fire engine or hose company, with not less than ten active members, having at least one good fire engine or hose cart and not less than five hundred feet of sound rubber, leather or other hose, kept in an engine house, fit and

ready at all times for actual service, and at least one hook and ladder company with not less than twelve active members, having a good hook and ladder truck. And in case of a paid or partly paid fire department the buildings, machinery and material hereinbefore enumerated and the necessary men, teams and equipments so as to constitute an active and properly equipped department, ready for service at all times.

Approved April 3d, 1889.

CHAPTER 48.

[Senate File No. 3.]

AN ACT defining the liability of fire insurance companies in certain cases.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. Whenever any policy of insurance shall be written to insure any real property in this state, against loss by fire, tornado or lightning and the property insured shall be wholly destroyed, without criminal fault on the part of the insured or his assigns, the amount of the insurance written in such policy shall be taken conclusively to be the true value of the property insured and the true amount of loss and measure of damages. The amount the measure of damage, when.

SEC. 2. This act shall apply to all policies of insurance hereafter made or written upon real property in this state, and also to the renewal, which shall hereafter be made, of all Policies coming within the code, stated.

policies heretofore written in this state, and the contracts made by such policies and renewals shall be construed to be contracts made under the laws of this state.

Attorney's fee. SEC. 3. The court, upon rendering judgment against an insurance company upon any such policy of insurance, shall allow the plaintiff a reasonable sum as an attorney's fee, to be taxed as part of the costs.

Approved March 4th, 1889.

CHAPTER 49.

[Senate File No. 169.]

AN ACT to amend section forty (40), chapter forty-three (43) of the Compiled Statutes of Nebraska for 1887, entitled "Insurance Companies," and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 40, Chap.
43, Comp. Stat.

SECTION 1. That section forty (40), of chapter forty-three (43), of the Compiled Statutes of Nebraska for 1887, entitled "Insurance Companies," be and the same is hereby amended to read as follows:

Unincorpor-
ated mutual
companies.

Section 40. Nothing in this act shall be so construed as to prevent any number of persons from making mutual pledges and giving valid obligations to each other for their own insurance from loss by fire, lightning, tornadoes, cyclones, wind storms, hail, or death; but such association of persons shall in no case insure any property not owned by one of their num-

ber, and no life except that of their own number, nor shall the provisions of this act be applicable to such associations or companies. *Provided*, Such associations or companies shall receive no premiums, make no dividends or pay in any case more than two (\$2) dollars per day to any of their officers for compensation, and then only when actually employed for the association or company, nor shall they hire any agents or solicitors; *Provided, further*, That no such company or association shall ever make any levies or collect any money from its members except to pay for losses on property or lives insured, and such expenses as are herein provided for.

SEC. 2. That said original section forty (40) of chapter forty-three (43) of the Compiled Statutes of Nebraska for 1887, as the same now exists, be and the same is hereby repealed.

Repealing
clause.

Approved March 13th, 1889.

CHAPTER 50.

[House Roll No. 149.]

AN ACT to permit and authorize Plate Glass insurance companies of other states of the union to transact business in the state of Nebraska.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That any company organized under the laws of any state in this union for the purpose of insuring plate glass against accidental breakage exclusively, may transact

Foreign plate
glass.

Insurance
company may
do business in
this state, how.

such business within this state, provided said company has a paid up capital of \$100,000 or more, deposited with their proper state officials and fully complying with all the insurance laws of this state relating to foreign insurance companies and especially chapter forty-three (43) of the Compiled Statutes of this state.

Emergency
clause.

SEC. 2. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 19th, 1889.

CHAPTER 51.

[Senate File No. 105.]

AN ACT to amend section two (2), of chapter twenty-seven (27), of the Compiled Statutes of the state of Nebraska, of 1887, entitled "Estrays," and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 2, Chap.
27, Comp. Stat.

SECTION 1. That section two (2) of chapter twenty-seven (27) of the Compiled Statutes of the state of Nebraska of 1887, entitled "Estrays," be amended so as to read as follows:

Record of
description.

SEC. 2. It shall be the duty of any person taking up an estray animal or animals to send a description of the same to a justice of the peace in the precinct where the said estray was taken up, within forty-eight hours thereafter, and said justice of the peace shall record the same in a book kept by him for that purpose, for which he shall receive the sum of twenty-

five cents. If said estray or estrays shall not be claimed by the owner thereof within ten days thereafter a description of the same shall be sent to the county clerk by the party taking up said estray, who shall immediately record the same in a book kept by him for that purpose, for which he shall receive the sum of twenty-five cents. The person taking up the estray shall, within twenty days thereafter procure the publication of the description of such animal or animals in any newspaper published within the county.

SEC. 2. That section two (2), of chapter twenty-seven (27), of the Compiled Statutes of Nebraska of 1887, entitled "Estrays," be and the same is hereby repealed.

Repealing
clause.

Approved March 14th, 1889.

CHAPTER 52.

[Senate File No. 179.]

AN ACT authorizing the auditor of public accounts, before registering the bonds of any municipality, to detach any or all coupons that shall mature before the taxes levied for the payment of same shall become due.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That whenever a bond of any county, city, town, township, precinct, village, school district or other municipality shall be presented to the auditor of public accounts for registration, the auditor shall examine the interest coupons thereto attached, and shall de-

Interest cou-
pons, detached
when.

tach as many of them as shall mature before the first taxes levied to meet the same shall become due and collectible and stamp said coupons, "Detached by the Auditor of Public Accounts," and send to the treasurer of the county from which said coupons were issued.

Emergency
clause.

SEC. 2. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 53.

[House Roll No. 95]

AN ACT to repeal sections nine (9) and ten (10) of article three (3) of chapter two (2), of the Compiled Statutes of Nebraska for 1887, entitled "Agriculture."

Be it enacted by the Legislature of the State of Nebraska:

Repeals Secs. 9
and 10, Art. 3,
Chap. 2, Comp.
Stat.

SECTION 1. That sections nine (9) and ten (10) of article three (3), of chapter two (2), of the Compiled Statutes of Nebraska of 1887, entitled "Agriculture," be and said sections are hereby repealed.

Approved March 16th, 1889.

CHAPTER 54.

[House Roll No. 351.]

REGISTRATION.

Section.

1. Registers, how arranged.
2. Supervisors of Registration, by whom appointed.
3. Challenge of applicant for registration.
4. Vacancy, how filled.
5. Compensation, how obtained.
6. Refusal to serve.
7. Supervisors, powers and duties.
8. General registration, when held.
9. Same, what supervisors must do.
10. Revision.
11. Removal, oath, certificate.
12. Copy of registers.
13. Books and blanks.
14. Registers, how signed.
15. Same, certificate of authentication.
16. Same, custody of.
17. List of voters to be posted.
18. Judges of election, duties of.
19. Challenge, hearing.
20. Place of registry, how selected.
21. Challengers, political parties appoint.
22. Persons registered in one precinct may register in another.

Section.

23. Supervisors, majority rule.
24. Same, must attend.
25. Books and records open to inspection.
26. Special election.
27. Number of votes cast, be declared.
28. Precinct defined.
29. Fraudulent registration.
30. Supervisors, misconduct.
31. Mutilating records.
32. Same.
33. Perjury.
34. Subornation of perjury.
35. Breach of the peace.
36. Interfering with supervisors.
37. Supervisors, willful neglect.
38. Same, can not act when.
39. Violations, duty of county attorney.
40. Taking liquors to place of registration.
41. Irregularities not a defense.
42. Notice to be published.
43. Expenses paid by city.

AN ACT to require and regulate the registration of voters for election purposes in metropolitan cities, cities of the first-class, and cities of the second class, which shall include all portions of the voting precinct in which said city is situated in the state of Nebraska.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. It shall be the duty of the mayor and council of any metropolitan city, or city of the first class, or city of the second class having over two thousand five hundred (2,500) inhabitants, which shall include all portions of the voting precinct in which said city is situated, to cause to be prepared books for the registration of names and facts required by

Registers, how arranged.

this act. Said books to be known by the general name of registers, and to be so arranged as to admit of the entering, under the name of each street or avenue in each election precinct and the number of each dwelling on any such street or avenue, if there be a number thereto, and if there be no number, then under such definite description of the location of the dwelling place as shall enable it to be readily ascertained and found, the names of all legal voters in each dwelling in each of said precincts, who shall apply for registration. Such register shall be ruled in parallel columns in which, opposite the name of every applicant for registration, shall be entered the words and figures hereinafter provided in this act, and shall be of such size as to contain not less than eight hundred (800) names, and so prepared that they may be used at each election in any city governed by the provisions of this act, until such time as is in this act provided for the succeeding general registration, and shall on the inside be in form as follows, to-wit:

Residence,	Room No.,	Address,	Sworn to by Notary Public, Color	Term of Residence		Court	Qualified Voter	Date of Application	Why Disqualified	Date of Erasing Name, Voted November	Month Voted	Challenged	Remarks
				Precinct	County								

Supervisors of
registration,
by whom ap-
pointed.

SEC. 2. All supervisors of registration in said cities shall hereafter be selected and appointed by the city council, and the said council shall have the power to make all necessary removals

in the office of supervisors of registration. It shall be the duty of said council, annually, in the month of September in each year, for each election precinct in any such cities to select to serve as supervisors of registration three (3 persons, two of whom, on state issues, shall be of political faith and opinion different from their associates, and the supervisor appointed to represent the political party in the minority on state issues shall be named solely by such members of said city council. The said supervisors shall be citizens of the United States and of the state of Nebraska, of good character and able to read, write and speak the English language understandingly, qualified voters in said city, and not candidates for any office to be voted for by the electors of the precinct for which they shall be selected, and residents of the precinct for which they shall be appointed. The persons so selected as supervisors shall be notified by the city clerk to appear before the mayor, who shall examine them as to their qualifications, and if he shall be satisfied that they are qualified to serve, they shall each take and subscribe before the city clerk within ten days of the notice of appointment, the following oath of office:

Same, qualifications.

"I, residing at No. . . . in the city of, Oath of office.
do solemnly swear, (or affirm) that I will support the constitution of the United States and of the state of Nebraska, and that I will faithfully and impartially discharge the duties of the office of supervisor of registration for the election precinct (or ward) No. . . . of the city of, ac-

cording to the laws of the state and the best of my ability; and that I am a citizen of the United States and of the state of Nebraska, a qualified voter in election precinct (or ward) No.... in the city of....., and not a candidate for any office to be voted for by the voters of the precinct for which I am appointed supervisor."

Certificate of appointment.

Whoever shall be nominated and sworn into office as a supervisor of registration, shall receive a certificate of appointment from said city clerk, and said certificate shall be in such form as shall be prescribed by the city council, and to specify the election precinct, or ward, in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office.

Term of office.

The supervisors of registration appointed under the provision of this act, shall hold office for one year, unless sooner removed by the mayor, for want of requisite qualifications, or by said council for cause, in either of which

Removal.

cases, such removal, unless made while the supervisor is actually on duty on the day of registration or revision of registration, and for improper conduct as registration officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly the reason for his removal; *Provided*, That any supervisor of registration who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor.

The said supervisor of registration shall have charge and control of the registration of voters and the revision of any registration in their respective precincts.

SEC. 3. Any person applying to register, ^{Challenge of applicant for registration.} may on any day of any general registration, or revision of registration, be challenged in the said cities, and either of said supervisors in any election precinct may at any authorized meeting of said supervisors, and one of them shall administer to any person so challenged, the oath or oaths provided by law to test the qualifications of challenged voters, and either of said supervisors may, at any such meetings, administer to any applicant for registration, the oath or oaths provided in this act to be administered to any such applicant, and may also administer to any elector of the election precinct who may be offered as a witness to prove the qualifications of any person claiming the right to be registered, the following oath:

FORM OF OATH TO WITNESS.

"You do solemnly swear (or affirm) that you ^{Oath to witness.} are a voter in this election precinct; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as a voter of (name to be given) now claiming the right to be registered as a voter in this precinct."

SEC. 4. Whenever from any cause there shall ^{Vacancy in office, how filled.} exist a vacancy in the office of supervisor of registration, the person appointed to fill such

vacancy shall be named by the council as hereinafore provided.

Compensation,
how obtained.

SEC. 5. Supervisors of registration appointed in pursuance of the provisions of this act, shall each be entitled to receive three (3) dollars per day for each day's service at any registration, or revision of any registration, which compensation shall be allowed by the city council on the certificate of the city clerk as to the time of service; but no payment shall be made to any person as a supervisor as aforesaid who shall not have taken, subscribed and filed the oath or affirmation herein required, and who shall not during the period of his service have fully complied with all the requirements of law in anywise relating to his duties; and it shall be unlawful for any person to act as such supervisor without having taken, subscribed and filed the said oath or affirmation, and any person so unlawfully acting shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in any sum not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or imprisoned in the county jail for not less than ten (10) days nor more than sixty (60) days, or both, and shall stand committed until all fines and costs are paid. Said supervisors, during the time that they hold such office, shall be exempt from the performance of jury duty.

Violation,
penalty.

Refusal to
to serve a mis-
demeanor,
when.

SEC. 6. Each and every person appointed by the city council for supervisor of registration, under this act, shall, on receipt of notice thereof from the city clerk, appear within five

(5) days thereafter before the mayor for examination, and if found qualified shall, unless excused by the mayor by reason of ill health or other good and sufficient cause, be bound to serve as such officer for the term of one year from the date of his appointment, and in case of the neglect or refusal of any such person to comply with the above requirement, or to serve or act, unless excused as aforesaid, the said person shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined in any sum not less than fifty (\$50) dollars, nor more than two hundred (\$200) dollars, and shall stand committed until such fine and the costs are paid, and said fines shall be for the use of the police fund.

SEC. 7. The said supervisors of registration, Supervisors, powers and duties of, in each election precinct in any city governed by this act, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands, at and around the place of registration or revision of registration, during the time of registration, or revision of registration; to keep the access to such place open and unobstructed, to prevent and suppress riots, tumults, violence, disorder and all improper conduct tending to the intimidation or obstruction of voters, to prevent the disturbance or interruption of the work of registration, or revision of registration, and the registers from violence or fraud, and to ap- May appoint deputy to assist in preserving order. point or deputize, if necessary, one or more voters to communicate their orders and direc-

tions, and to assist in the enforcement thereof, and any person neglecting or refusing to act when so appointed or deputed shall be deemed guilty of misdemeanor and shall on conviction thereof, be fined in any sum not less than ten (\$10) dollars, nor more than one hundred (\$100) dollars, and shall stand committed until such fine and the costs are paid.

General registration, when held.

SEC. 8. Hereafter there shall, in the cities governed by the provisions of this act, be a general registration of the qualified voters resident in each election precinct in said cities, at the times herein below provided, and then only; on Tuesday, four weeks, the Wednesday of the third week, the Thursday of the second week and the Friday and Saturday of the first week, preceding the day of the November election in each year. For each and every election held in any of the said cities, other than such as are above designated in this section, there shall be a revision of the general registration had, as provided in this act, which revision shall be made on the Friday and Saturday of the second week and on the Saturday of the first week preceding the day of each and every such election.

Revision of registration had, when.

Same, what supervisors must do.

SEC. 9. The supervisors of registration appointed pursuant to the provisions of this act, shall at the times in this act designated for general registration, meet in their respective election precincts, at the places which, as provided in this act, shall be selected for such meetings, and at such times in each election precinct the said supervisors of registration

shall openly and publicly do and perform the following acts, viz:

First—They shall organize, as a board, by Organization. selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for the meeting, the chairman shall be selected by lot.

Second—They shall receive the application Receive applications. of registration of such legal voters of their several election precincts as then are, or on the day of election next following the day of making such applications would be, entitled to vote therein, and who shall personally present themselves for registration, and such only.

Third—They shall remain in session on each Time of session. of said days of registration, or revision of registration, from the hour of 8 o'clock in the morning until nine o'clock in the evening, and administer to all persons who may personally apply to register, the following oath or affirmation, viz:

“You do solemnly swear (or affirm) that you Administer oath. will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of this state.”

Fourth—They shall then examine the applicant as to his qualifications as an elector, and, unless otherwise provided herein, shall immediately in the presence of the applicant, enter in the registers to be made and furnished, as provided in this act, the statements and acts Register, entries.

as above set fourth, and in the manner following, viz:

Residence,
place of.

First.—Under the column, "Residence," the name and number of the street, avenue or other location of the dwelling, if there be a number; but if there shall not be a number, then such clear and definite description of the location of such dwelling as shall enable it to be readily found; and if there be more than one family residing in the dwelling named by the applicant, in such case the said applicant shall give the floor on which he resided (every floor below the level of the ground being designated as the basement; the first floor on or above such level, the first floor, and each floor above that as the second or such other floor as it may be) or the number or location of the rooms occupied by the applicant and whether front or rear.

Name in full.

Second.—Under the column, "Address," the name of the applicant, giving the surname and christian name in full, and said names shall be kept by streets and avenues as far as the same can be done.

Sworn.

Third.—Under the column, "Sworn," the word "yes" or "no," as the case may be.

Nativity.

Fourth.—Under the column, "Nativity," the state, country, kingdom, empire or dominion, as the fact shall be stated by the applicant.

Color.

Fifth.—Under the column, "Color," the word "white" or "black," as the case may be.

Residence,
term of.

Sixth.—Under the subdivision of the general column of "Term of Residence," the periods by months or years stated by the applicant in response to the inquiries made for the purpose of

ascertaining his qualifications and filling such columns.

Seventh.—Under the column, “Naturalized,” Citizenship. the word “yes” or “no” or “native,” as the fact may be stated.

Eighth.—Under the column, “Date of Papers,” Naturalization, date of. the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this act.

Ninth.—Under the column “Court,” the designa- Same, court. tion of the court in which, if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship presented or submitted by the applicant in compliance with the requirements of this act.

Tenth.—Under the column, “Qualified Voter,” Qualified voter, how determined. the word “yes” or “no,” as the fact shall appear and be determined by at least two (2) of the said supervisors, it being, however, required of said supervisors to designate as a qualified voter any person who, being otherwise qualified, shall not at the time of making the application be of age, provided the time when such applicant shall be of the age of twenty-one (21) shall be subsequent to the date of his making application, and not later than the day of the election immediately following such time of applying.

Eleventh.—Under the column, “Date of Ap- Date of application. plication,” the month, day and year when the applicant presented himself for registration.

SEC. 10. On the days and at the times in Revision of registration. this act designated for any revision of any gen-

What supervisors must do.

eral registration, the duly qualified supervisors of registration shall meet in their respective election precincts, at the places which, in accordance with the requirements of this act, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, viz:

Each and every one of the duties and requirements set forth in subdivisions one (1) and three (3) of section nine (9) of this act. They shall in each election precinct receive the application for registration of such legal voters of the election precinct, whose names are not then borne upon the registers thereof as qualified voters therein, as shall personally present themselves and who, on the day of election next ensuing, would be entitled to vote therein; and as to all applications made to them, they shall proceed therewith in the manner provided in subdivision four (4) of section nine (9) of this act; *Provided*, That if, upon the examination, as in this act provided for, of any applicant for registration, it shall appear that he has, since the last day of any general registration of voters, or any revision thereof, in cities governed by this act, moved into or become a resident of said election precinct, the said supervisors shall inquire from where such applicant removed or came, and if it shall appear that such removal was from a place within the said city, they shall inquire if in the election precinct in which he resided at the time of the last preceding general registration (naming such time) or in which he has resided at any time subse-

quent thereto, he has been registered, or has applied for registration; and if he shall swear that he has not, then the said supervisors shall proceed with said application as with that of of any other person who may apply to them; but if he shall swear that he has been so registered, the said supervisors shall, before proceeding further, require him to present to them a certificate of removal as provided for in this act, so that his name shall not be on the registers of two election precincts; and upon presentation to any board of supervisors of any certificate of removal, the said board shall treat the person presenting the same in the same manner provided in subdivision four (4) of section nine (9) of this act for applicants for registration.

SEC. 11. Any person who shall at any time as provided in this act, have personally applied to the said supervisors in any such election precinct for registration, and shall have in the register thereof, been entered as a qualified voter, and who shall, at any time prior to the close of any general registration, or revision of registration, have removed from the dwelling place under which he shall, as a resident, be borne upon the register, may, upon any day provided in this act for the meeting of said supervisors, personally appear before the supervisors in any election precinct in which he resided at the time his name was entered upon said register, during the hours provided in this act for the meetings of said supervisors, and publicly take and subscribe before one of said supervisors the following oath or affirma-

Removal of
voter.

tion, which shall be known as the oath of removal, viz:

Oath of
removal.

"I.....residing at No.....in election precinct No.....of the city of.....do solemnly swear [or affirm] that I am duly entered in the registers of said election precinct, from said residence as a qualified voter and that I have removed my place of residence to No.....in election precinct No.....in said city, and I do hereby request that the proper entries and records be made as the same are provided for by law, and that a certificate of removal be furnished me at this time." Upon such oath or affirmation being made and subscribed as herein provided it shall be the duty of said supervisors to carefully preserve the same and file it within twenty-four (24) hours after the close of any registration or revision, with the city clerk; and upon any such person taking and subscribing said oath of removal, the said supervisors, if satisfied of the identity of the person making the same with the person he claims to be, as the description of said last mentioned person shall appear on the registers; (and if not satisfied therewith, shall at once, by a police officer, or by any one whom said board shall especially authorize, make an examination and inquire at the residence of said person, as the same shall be entered upon the registers as to the fact of the removal of such person from said dwelling place, when, if his removal therefrom shall be found by the report of such person to be a fact), shall imme-

diately proceed to strike from said registers the name of such person, by entering in each of the registers, opposite to and against the name of such person, and in the column headed, "why disqualified," the word, "removed," and in the column headed, "date of erasing name," the month, day and year of such striking from said registers such name, and in the column headed, "remarks," the words, "transferred to," together with the number of the election precinct to which such person shall, in his oath of removal, state he has removed and the initial letters of the name of each supervisor who shall in each of said registers make such entry and shall, through the name of such person as the same shall appear on such registers, and there only, draw a red line indicative that such name is erased from the registers of that election precinct, and the name of any such person so found stricken and erased from said registers shall, as to his name entered under the column "residence," be thereafter considered by all election officers to be stricken from the rolls of that election precinct, and shall be treated as if never entered thereon. If the dwelling place to which any such person shall have removed be within the boundaries of the same election precinct as was his former residence as shown by the registers in said election precinct, the said supervisors shall, in said registers, under the number or other description of the dwelling place to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures as,

prior to the striking from or erasing of the name of such person in the manner in this section above provided, were in the column similarly headed and opposite to and against the name of such person as upon said register it appeared under the dwelling from which he shall have declared he has removed; and if the dwelling place to which he shall have removed shall be within the boundaries of any other election precinct than was the residence under which he was previously entered on said registers, the said supervisors shall fill up, sign and deliver to such person a certificate, which shall be known as the certificate of removal, and shall be in form as follows, viz:

CERTIFICATE OF REMOVAL.

Certificate of
removal.

Registration place of election precinct No...
in the city ofthis.....day of.....18....
To the board of supervisors of election precinct
No....in the city of.....

This is to certify that the name of
heretofore residing at No.....in this election
precinct, has been by us, the supervisors of
registration in this precinct, stricken from the
registers of this precinct, and the proper eras-
ures made, upon oath of removal and at the
request of said above named persons, and that
upon said registers in this election precinct
were entered as to him the following statement,
viz:

Name
Residence
Sworn.....

Nativity.....
 Color
 Legislative District.....
 Term of residence
 County
 State
 Naturalized.....
 Date of papers.....
 Court.....
 Qualified voter.....
 Date of application.....

SEC. 12. The said supervisors of registration Copy of Reg-
isters.
 in each election precinct shall on each day of
 any general registration before adjournment,
 enter in each of two books prepared for that
 purpose, one of which shall be known as the
 public copy of the registers, and the other of
 which shall be known as the election bureau
 copy of the registers, all such names and resi-
 dences, and all such dates, information and
 statements as during the day have been entered
 by the said supervisors in the registers provided
 in this act, and the whole five books shall, on
 each of said days, after a completion of said
 copies of the registers, be carefully compared
 throughout, so that each of said registers and
 the copies thereof shall in every respect agree
 with each other and contain the name and res-
 idence of each person who shall have applied
 for registration and the facts respecting him,
 as the same shall have been stated by him and
 entered in said registers, as provided in this act.
 The said supervisors shall, in the last day of any
 general registration, certify each of said copies

Bureau copy.

Public copy.

in the same manner as if it were an original register, and within thirty-six hours after their adjournment on said last day of any general registration, the said supervisors shall file with the city clerk the election bureau copy of said registers at his office, where the same shall be carefully preserved; and the said supervisors shall on the last day of any revision of registration, and before adjournment, make a copy of the registers as they shall then be made up for the election next ensuing, which copy shall be marked and known as a public copy of the original registers as then existing for the election next ensuing; and the said supervisors shall also make, fill and certify, on blanks to be prepared and furnished by the city clerk for that purpose, the name and all other particulars as shall be entered against or opposite to the name of any person, which, having been once entered upon said registers, shall have been, on the days of any such revision of registrations, for any reason stricken therefrom, as provided in this act, together with the name and all such other particulars as shall be entered against or opposite the name of any person who shall on any day of any such revision have been added to the said registers, and said blanks so filled and certified shall, within twenty-four hours after the close of the last day of any revision of registration, be left by said supervisors with the city clerk, and it shall be the duty of the city clerk to immediately enter, or cause to be entered, in the election bureau copy of the registers of each election precinct on file

in his office, all the proper and necessary entries requisite to make said copy conform to said registers and be always a copy thereof.

SEC. 13. It shall be the duty of the city Books and blanks, duty of city clerk. clerks in said cities, under the direction of the mayor, and council, to prepare and furnish all necessary registers, books, maps, oaths, certificates, blanks and instructions for the use of supervisors of registration, and to provide said officers with all necessary supplies; to have and retain the custody of all registers, copies thereof, records, papers and certificates of every kind required by this act, to be filed and kept in his office. The said city clerk shall, for any revision of any general registration issue to each of said judges in each election precinct in said cities, one of the registers of said precinct in use therein at the preceding election, and returned to and filed by him in his office.

SEC. 14. The said supervisors of registration Registers, how signed. in each election precinct in any city governed by the provisions of this act, on each day of any general registration, or revision of registration, and before adjournment, shall, on each of the registers and on each copy thereof, as in this act provided, shall on each of said days be kept and made, draw in red ink immediately below the last name underneath each dwelling place and below the last figures and words entered opposite to or against such last name in each column, save that of residence, a heavy line as indicating that the entering of names on said registers for the day mentioned in the column headed "date of application," and op-

posite to or against the name of the last person entered under any dwelling place there ceased, and immediately under said red line on each of said registers, said supervisors shall each sign his name, so that no new name can be added without discovery.

Same, certificate of authentication.

SEC. 15. The said supervisors of registration shall, in a place to be provided therefor in each of the registers required by this act, fill up, date, and each sign with his name and place of residence, the appropriate and proper certificate, which shall be either printed or written, or partly printed and partly written, and for a general registration shall be in the form following, to-wit:

"We, the undersigned supervisors of registration in election precinct No..... in the city of, do jointly and severally certify that at the general registration of voters, held in said election precinct on thedays of, 18...., and on the.....days of, 18...., and on the.....days of, 18...., there was registered by us as qualified voters in the said election precinct, the names which in this register are entered as of said days, and that the number of such registered qualified voters was and is....

"Dated, 18...

"

"

"Supervisors of said election precinct No..."

And said certificates shall be made immediately after the last day of any general registration.

And for a revision of any general registration said certificate shall be in the following form, to-wit:

"We, the undersigned supervisors of registration in election precinct No....in the city ofdo jointly and severally certify that at a revision of the last general registration of voters held in said election precinct on thedays of.....18...., and on theday of.....18, there were by us added to the list of qualified voters of said election precinct, the names which in the said registers are so entered as of said days, and that such number was and is, and that there were stricken from the registered qualified voters of said election precinct, the names which in the said registers appear on said days to have been stricken off and erased in the manner prescribed by law and that said number was and is, leaving the total number of registered qualified voters in said election precinct for the next ensuing election in said city....., which is the number of names now borne in said registers, as such qualified voters for such election.

"Dated.....18 ...

"

"

"Supervisors of said election precinct No.."

SEC. 16. The said supervisors of registration in each election precinct shall, after making and signing the said certificates named in section fifteen hereof, deliver all of said registers to the city clerk of such city, who shall retain

Same, custody of.

and carefully preserve all the said registers, and on the day of any election the said city clerk shall deliver said registers to the judges of election in the precinct named in said registers.

The public copies of the register.—The said supervisors shall, at the close of their proceedings on the last day of any registration, or revision of registration, leave with the said city clerk, where said public copy shall be and remain until the next meeting of said supervisors for the purpose of registration, or revision of registration, to the end that they may be inspected and copied by any voter in said city. But on the day of any election, the judges of election, shall take possession of said public copy, and they shall closely retain the same throughout the said day, returning the same to the city clerk, and shall also, at the close of the canvass and return of the votes at any election, deliver to said city clerk the registers of each election precinct, which public copy and said registers shall be carefully kept and preserved by said city clerk.

On the first day of any general registration, or revision of registration, the said city clerk shall deliver to said supervisors of registration, the said public copy and the registers of their election precinct, and the said supervisors shall retain and preserve the said registers until after the completion of the general registration, or revision of registration, when the same shall be returned to said city clerk.

List of voters
to be posted.

SEC. 17. It shall be the duty of the said supervisors of registration in each election

precinct, on each day of general registration or revision of registration, and before adjourning, to copy from the registers the names and residences of all persons registered upon that day, and to make such copy so that the names of those persons having the same residence shall appear together in form as follows:

List of voters in election precinct No..... Blank form of
of the city of.....on the..... list.
day of.....18....

NAMES.

RESIDENCES.

.....
.....
.....
.....

And they shall append thereto a certificate signed by each of said supervisors in the form following, to-wit:

"We, the undersigned, supervisors of regis- Certificate,
tration in election precinct No.... of the city form of.
of..... do jointly and severally certify that the
list hereto annexed is a true and correct copy
of all the names and residences upon the reg-
isters, of all persons who have been registered
by us as qualified voters in said election pre-
cinct, this day of 18..

".....

".....

"Supervisors of said election precinct No.."

And said supervisors shall immediately post said copy in some conspicuous place in the room or building where such registration or revision

of registration is had, and said copy shall be for public inspection and may be copied by any voter of said city.

City clerk,
duty of.

The city clerk shall prepare and furnish to said supervisors the necessary blanks and forms prescribed in this section.

Judges of elec-
tion, duties of.

SEC. 18. The judges of election in each of said election precincts shall, on the day of any election therein, have with them, at the polling place in said precinct, the registers provided for in this act. They shall each make use of one of said registers for guidance on said day, and no vote shall be received from any person unless the name of the person offering the vote be found by at least two of said judges to be upon at least two of said registers as a qualified voter; except that the person offering to vote, whose name is not on two of said registers, shall furnish to the said judges his affidavit, subscribed and sworn to before the city clerk, or some person designated therefor by the mayor, of any city governed by this act, giving his reasons for not appearing before the supervisors of registration on any day of registration or revision of registration, and shall also set forth in said affidavit his place of residence, and the facts necessary to show that he is a qualified voter in said precinct, and shall prove before said judges, by the affidavit or oath of at least two free holders, residents of said precinct in which he offers his vote for at least one year immediately preceeding said election, that they know such person to be an inhabitant and qualified voter of said precinct; and upon filing said

Unregistered
person, may
vote, how.

affidavit and making the proof herein required, the said person shall be entitled to vote. And any person offering to vote at any election may be challenged, and the same oaths shall be put as are prescribed by law.

It is hereby made the duty of the city clerk of any such city, on request, to take and certify the affidavits herein required, without fee or reward, and on the day of any election in any such city, the said clerk shall be in his office and keep the same open from 8 o'clock a. m. until 7 o'clock p. m. on said day, for the purpose of taking said affidavits as herein provided. In case of the absence, on account of sickness or other cause of the city clerk, the mayor of such city shall designate some person authorized to administer oaths, to take and certify said affidavits at the office of the city clerk only. Said person so designated by the mayor shall receive as compensation for each day's service the sum of five (\$5) dollars, which shall be allowed by the city council on the certificate of said mayor. The chairman of judges in each election precinct shall, if present, and if absent, then one of the other judges shall, upon any person offering to vote, announce in a loud, clear and distinct manner the name of such person, and before any ballots shall be deposited in any of the ballot boxes at least two of said judges shall examine at least two of said registry lists, and if the name of said voter shall be found on at least two of said registry lists as a qualified voter, then said said judges shall receive and deposit the ballot

City clerk must certify affidavit of voter.

Mayor may designate person to certify.

in the proper ballot box and at least two of said judges shall write in the appropriate column in said registers, the word "voted," and opposite to the name and residence of such person the word "yes." And no ballot shall be received by either of said judges and deposited in any of the ballot boxes at any election unless the name of the person offering to vote shall be found on at least two of the said registers, or such person shall file with said judges the affidavit herein required, and shall also furnish to said judges the proof as in this section required.

It shall be the duty of each of said judges to enter on the register in his possession, in a suitable and separate part thereof, the name and residence of each person voting whose name does not appear on at least two of said registers. It shall further be the duty of each of said judges, immediately on the close of the polls on the day of election to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvas of the votes cast in the election precinct in which they served, to leave all of said registers at the office of the city clerk, whose duty it shall be to file and preserve the same, and in no election precinct in any such city shall any judge who has custody or charge of either or any of said registers in this act provided for, ever permit said registers to leave his possession from the time of receiving cus-

tody of the same until he shall file the same as herein provided.

SEC. 19. Any person who is a qualified voter in any such city may, upon the date of any registration or revision of registration, challenge and contest the right of any person to be registered in any election precinct, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the supervisors of registration in any election precinct in relation to the correctness of or additions to any of said registers.

SEC. 20. Hereafter the mayor and council of any city governed by the provisions of this act, shall designate and appoint the place of registry in each election precinct in said city and shall hire all such places as may be necessary and cause the same to be fitted up, warmed, lighted and cleaned, and the work of registration shall be carried on at the places so designated. But in each election precinct such place shall be in a public, orderly and convenient portion of the precinct, and no building or part of building shall be designated or used as a place of registration, or revision of registration in which, or in any part of which, intoxicating liquors of any kind are sold or have been sold within ten days next preceding the time of using the same, and no place shall be designated or used for any such purpose without the same shall be well lighted with gas, unless there shall be no such place in the precinct attainable which is so lighted.

Challenge,
hearings.

Place of registra-
try, how se-
lected.

Challengers,
political parties may
appoint.

SEC. 21. At each place of registration, or revision of registration in any such city, each political party shall have the right to designate place and keep a challenger. who shall be assigned such position as will enable him to see each person as he offers to register, and who shall be protected in the discharge of his duties by the supervisors and the police. Each political party may remove any challenger appointed by it, and any vacancies which from any cause arise, shall be filled by the same party, power and authority that conferred the original appointment.

Persons registered in one
precinct may
register in
another, how.

SEC. 22. No person who is registered in one election precinct, in any such city, shall register in any other precinct while any prior registration remains unerased, or in any other manner than is in this act provided; but if in the event of the revision of any registration in such city, any person shall present himself for the purpose of being registered as a voter, and it shall appear that the name of said person is borne upon the registers of any election precinct other than that in which he shall at the time of such revision make application for registration, and that since the day of the preceding election or registration he has removed from the precinct in which he was then registered to the precinct in which he shall at the time of any such revision apply for registration, and it shall also appear that there is no meeting of the board of supervisors in the precinct in which his name shall be borne upon the register, then, and in such event the oath

of removal may be made before any member of the board of supervisors in any precinct to which he shall have removed, and the person so appearing at any such revision shall be entitled to all the rights and privileges to which he would be entitled were the registration a general registration, and the said person making an original application for registration.

SEC. 23. For all powers, authority, and duties in this act prescribed for or conferred upon, and all actions required of supervisors of registration, or a board of supervisors, save where such authority is specifically allowed to each of said supervisors, the concurrence or assent of a majority of all the supervisors of registration in any election precinct must in all cases be obtained. Supervisors, majority rule.

SEC. 24. The several offices of supervisors of registration, in this act named and created, are and shall be, in all courts and proceedings, deemed and held respectively to be election precinct officers, and it shall be the duty of said supervisors of registration respectively, or a majority of the said supervisors, to be in constant attendance during the hours and time fixed for the discharge of their several duties. Same, must attend during hours of registration.

SEC. 25. All data, statistics, and all registers, poll books and records of every kind and nature, which, under this act, or under any laws of this state, or which in compliance with any ordinance, resolution, order or direction of the mayor and council of any of said cities, are or may be required to be made, ascertained or kept by, or returned to, or filed with the Books and records open to inspection, when.

city clerk, shall at all times during office hours, be open to inspection, examination, comparison and copying by any voter of said city, free from any charge.

Special election.

SEC. 26. If at any time a special election shall be held in any city governed by the provisions of this act, or in any portion of any such city, the same revision of registration shall be had and made for any such special election, and in the same manner as if the said election was a municipal election for and throughout said city, and each and every of the provisions of this act, not inconsistent with the terms of this section, shall apply with as full force and effect to any such revision of registration therefor as if the same was for a municipal election in, for and throughout said city.

Number of votes cast must be declared before canvassing.

SEC. 27. In each election precinct in said cities, it shall be the duty of the judges of election in each election precinct, immediately after the close of the poles on the day of any election, before proceeding with the canvass of the ballots in any box, and while the clerks of election are canvassing their books, to write in ink opposite to and against the name of each person entered in said registers, who is not shown by said registers to have voted, and in the column headed, "vote," the word "no," so that the said column may be wholly filled up, and the said judges shall then compare said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that polling place that day; and when they have made comparisons and ascer-

tained such fact, the chairman of the board of judges, or in his absence, one of the other judges, shall announce the same in a loud voice.

SEC. 28. The term, precinct, as used in this act, shall be construed to mean and include any precinct, ward, or other division of territory in any city governed by this act, created, designated and made by ordinance, for election purposes. Precinct defined.

SEC. 29. If at any registration of voters, or at any meeting of supervisors of registration held for such purposes or for a revision thereof as provided in this act, any person shall falsely personate an elector or other person, and register or attempt or offer to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register, in or under the name of any other person, or in or under any false, assumed or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts; or having registered in one district, shall fraudulently attempt or offer to register at any election district, not having a lawful right to register therein; or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means, cause or procure, or attempt to cause or procure, the name of any qualified voter in any election Fraudulent registration, penalty.

precinct to be erased or stricken from any register of the voters of such precinct, made in pursuance of this act, or otherwise than in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or to be registered, from duly exercising such right; or who shall knowingly, willfully or fraudulently compel or induce, or attempt, or offer to compel or induce, by such means or any unlawful means any supervisor of registration, or other officer of registration, to register any person not lawfully entitled to registration in such precinct, or to register any false, assumed or fictitious name, or any name of any person, except as provided in this act; or shall knowingly, or willfully, or fraudulently interfere with, hinder or delay any supervisor of registration, or other officer of registration in the discharge of his duties, or counsel, advise, or induce, or attempt to induce any such supervisor or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same or shall aid, counsel, procure, or advise any voter, person, supervisor, or other officer of registration, to do any act forbidden by this act, or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison not less than one nor more than five years.

SEC. 30. If any supervisor of registration, or ^{Misconduct by supervisors, penalty.} revision of registration, shall be guilty of any willful neglect of his duty, under this act, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall on conviction thereof be adjudged guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail for not less than ten days nor more than sixty days, or by fine of not less than one hundred (\$100) dollars, or more than two hundred (\$200) dollars, or both.

SEC. 31. Every supervisor of registration, ^{Mutilating, removing or destroying records by officers, penalty.} clerk or other officer, having the custody of any records, registers, or copy thereof, oaths, certificates, or any paper, document, or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make an entry, erasure or alteration therein except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall upon the conviction thereof, be adjudged guilty of a misdemeanor and shall be punished for each and every such offense by imprisonment in the county jail for not less than ten days nor more than sixty days and shall, in addition thereto, forfeit his office.

SEC. 32. Every person not an officer, such ^{Same, by persons not officers.} as is mentioned in the last preceding section, who is guilty of any of the acts specified in

the preceeding section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor and for each and every such offense shall, on conviction thereof, be punished by imprisonment in the county jail for not less than ten days nor more than sixty, or by fine of not less than fifty dollars, nor more than five hundred dollars or both.

Perjury.

SEC. 33. Any person who shall be convicted of willful or corrupt false swearing or affirming, in taking an oath or affirmation prescribed by or upon any examination provided for in this act, or upon being challenged as unqualified upon offering to register, shall be adjudged guilty of willful and corrupt perjury, and shall on conviction thereof be punished by imprisonment in the penitentiary not less than one year nor more than ten years.

Subornation
of perjury.

SEC. 34. Every person who shall willfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall upon conviction thereof suffer the punishment directed by law in cases of willful and corrupt perjury.

Breach of the
peace.

SEC. 35. If at any general registration of voters or revision thereof, any person shall cause any breach of the peace or use any disorderly violence or threats of violence, whereby any such registration or revision shall be impeded or hindered, or whereby the lawful pro-

ceedings of any supervisor of registration or challenger are interfered with, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than ten days nor more than six months, or by a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars, or both.

SEC. 36. If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation or otherwise interfere with any supervisor of registration, or other person designated as provided in this act to be present at any registration, in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person, by any of the means before mentioned or otherwise unlawfully shall on the day of registration or revision of registration, hinder or prevent any supervisor of registration, or any person designated as provided in this act, to be present at any such registration in his free attendance and presence at the place of registration in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration or revision of registration, or to and from any room in which any such registration or revision of registration may be had, or shall unlawfully molest, interfere with, remove or eject from any such place of registration or revision of registration, any such supervisor of registration or person designated as provided

Obstructing or interfering with supervisors in discharge of duties.

in this act, or shall unlawfully threaten or attempt, or offer so to do, every such person shall be guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail for not less than thirty days nor more than six months, or shall be fined not less than two hundred (\$200) dollars, nor more than one thousand (\$1,000) dollars, or both, and shall stand committed until the fine and costs are paid.

Supervisor,
willful neglect
of duty.

SEC. 37. Any supervisor of registration who shall willfully neglect, or when called upon, shall willfully decline to exercise the powers conferred on him in this act, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than thirty days nor more than six months, or by a fine of not less than two hundred and fifty (\$250) dollars nor more than one thousand (\$1,000) dollars, or by both fine and imprisonment.

Same, can not
act in absence
of majority.

SEC. 38. If in any election precinct at any general registration of voters or revision thereof, in any city governed by the provisions of this act, any supervisor of registration shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters, or shall consent thereto, unless a majority of all supervisors of registration in said election precinct are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than thirty nor more than sixty days, or be

fined not less than one hundred (\$100) dollars
 nor more than one thousand (\$1,000) dollars,
 or by both such fine and imprisonment. And
 if any supervisor of registration in any election
 district shall, without urgent necessity, absent
 himself from the place of registration in said
 precinct, upon any day of registration, whereby
 less than a majority of all the supervisors in
 such election precinct shall be present during
 the hours of registration or revision of regis-
 tration, he shall, upon conviction thereof, be
 adjudged guilty of a misdemeanor, and shall be
 punished by imprisonment in a county jail not
 less than thirty days nor more than six months,
 or shall be fined not less than one hundred
 (\$100) dollars nor more than one thousand
 (\$1,000) dollars, or both.

Absence with-
 out urgent ne-
 cessity, pen-
 alty.

SEC. 39. It is hereby made the special duty
 of the county attorney of any county in this
 state to immediately prosecute all complaints
 which may be made of violations of any of the
 provisions of this act to final judgment; and
 the court before which any conviction for such
 violation shall be had, shall not, in any case,
 suspend sentence or judgment for more than
 twenty days; but no indictment or information
 for such violation shall be brought to trial unless
 the complaint, if any, if he shall be found, shall
 have at least two days' notice, in writing, from
 the said county attorney, of the day when he
 intends to try the same.

Violations,
 county attor-
 ney, duties of.

SEC. 40. Whoever during the sitting of any
 board of supervisors of registration in any elec-
 tion precinct in any city governed by the pro-

Taking or
 sending
 liquors to
 place of
 registration.

visions of this act, whether held for the purpose of registration or revision of registration shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration or revision of registration, any intoxicating liquors whatever, or shall at any such time or place drink or partake of any such liquor, shall be deemed and held guilty of a misdemeanor, and shall on conviction thereof, be punished by imprisonment in the county jail not less than thirty days nor more than six months, or by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, or both, and shall stand committed until the fine and costs are paid.

Irregularities
not a defense.

SEC. 41. Irregularities or defects in the mode of noticing, convening, holding or conducting any registration or revision of registration authorized by law shall constitute no defense to a prosecution for the violation of the provisions of this act.

Precinct
boundaries
and place
of registration
must be pub-
lished.

SEC. 42. The boundaries of all election precincts and the location of all places of registration or revision of registration shall be publicly advertised in at least one newspaper published and of general circulation in said city in the last issue of the paper selected preceding the first day of any general registration, or revision of registration and one notice in the last issue of the paper so selected prior to each day of registration or revision of registration, and on such day or days only. All

advertising provided for in this section shall be done in one newspaper only, published in the city, to be designated by the city council; and all matters advertised shall be prepared and furnished the journals in which it is to be inserted free from unnecessary verbiage or repetition; *Provided*, The boundaries of all election precincts and the location of all places of registration or revision of registration shall be publicly advertised in at least two newspapers published and of general circulation in said city, in the last issue of each of the papers selected preceding the first day of any general registration or revision of registration, and one notice in the last issue of each of the papers so selected, prior to each day of registration or revision of registration, and on such days only. Expenses to be paid by the city.

SEC. 43. The legal compensation of all supervisors of registration, the costs and expenses of all necessary notices, posters, maps, advertisements, registers and books, blanks and stationery, the rent and cost of fitting up, warming, lighting cleaning, and safe keeping of all places of registration, or revision of registration, and of all supplies of all kinds and nature for all registration in such city shall be a charge, and shall, upon proper certificates and vouchers, be paid out of the general fund of such city, in the same manner as by law provided for the payment of other city expenses out of such fund.

Approved March 26th, 1889.

CHAPTER 55.

[House Roll No. 259.]

AN ACT to amend sections forty-six (46) and forty-eight (48) of chapter twenty-six (26) of the Compiled Statutes of Nebraska, entitled "Elections," and to repeal said sections forty-six (46) and forty-eight (48).

Be it enacted by the Legislature of the State of Nebraska:

Amendment to
Sec. 46, Chap.
26, Comp. Stat.

SECTION 1. That section forty-six (46) of chapter twenty-six (26) of the Compiled Statutes of Nebraska be amended to read as follows:

County can-
vas.

Section 46. Upon the reception of the returns of each election precinct, township or ward by the county clerk, directed to him as hereinbefore provided, and within six days after the closing of the polls, he, together with two disinterested electors of the county, to be chosen by himself, shall open the poll books, and from the returns therein make abstracts of the votes cast, in the following manner: Of votes for governor, lieutenant-governor, members of congress, secretary of state, auditor of public accounts, state treasurer, attorney-general, state superintendent of public instruction, commissioner of public lands and buildings, and district attorneys, on one sheet; of votes for presidential electors on another sheet; of votes expressing the choice of electors for United States senator on another sheet; of votes for judges of the supreme and district courts and regents of the university on another sheet; of votes for members of the legislature from the

Abstract of
votes.

county alone, on another sheet; of votes for members of the legislature by districts comprising more than one county, on another sheet; and of votes for county, precinct and township officers on another sheet. The foregoing abstracts shall be preserved by the county clerk in his office.

SEC. 2. That section forty-eight (48) of chapter twenty-six (26) of the Compiled Statutes of Nebraska be amended to read as follows: Amendment to Sec. 48, Chap. 26, Comp. Stat.

Section 48. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the several county, precinct and township officers, and members of the legislature from the county alone. Certificates of election.

SEC. 3. That sections forty-six (46) and forty-eight (48) of chapter twenty-six (26) of the Compiled Statutes of Nebraska as heretofore existing, and all acts and parts of acts inconsistent with this act, are hereby repealed. Repealing clause.

Approved, March 21st, 1889.

CHAPTER 56.

[House Roll No. 108.]

AN ACT, to amend sections sixty (60), sixty-one (61), and sixty-two (62) of chapter twenty-six (26) of the Compiled Statutes of Nebraska, entitled "Elections."

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section sixty (60) of chapter twenty-six (26) of the Compiled Statutes of Amendment to Sec. 60, Chap. 26, Comp. S

Nebraska be amended so as to read as follows;

Certificate to
presidential
electors.

Section 60. The certificate of election for presidential electors shall be served on each person elected, notifying him to attend at the seat of government at noon of the Saturday preceding the second Monday of January next after his election, and report himself to the governor as in attendance.

Amendment to
Sec. 61, Chap.
26, Comp. Stat.

SEC. 2. That section sixty-one (61) of chapter twenty-six (26) of the Compiled Statutes of Nebraska be amended so as to read as follows:

Meeting of
electors.

Section 61. The electors so attending shall meet at noon of the said Saturday, and the governor shall provide each of them a list of all the electors, and in case of the absence of any elector, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the state so many persons as will supply the deficiency, and immediately issue a certificate of election, signed by those present or a majority of them, to the person so chosen. In case of failure to elect by noon of the following day, the governor shall fill the vacancies by appointment.

Amendment to
Sec. 64 Chap.
26, Comp. Stat.

SEC. 3. That section sixty-two (62) of chapter twenty-six (26) of the Compiled Statutes of Nebraska be amended so as to read as follows:

Same.

Section 62. The college of electors being full, shall meet at the capitol at noon of the said second Monday of January and proceed to the election in conformity with the constitution of the United States.

SEC. 4. That sections sixty (60), sixty-one (61), and sixty-two (62) of chapter twenty-six (26) of the Compiled Statutes of Nebraska as heretofore existing, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Approved March 29th, 1889.

CHAPTER 57.

[House Roll No. 252.]

AN ACT to amend section thirty (30) and one hundred and seventy-six (176), of chapter twenty-three (23), of the Compiled Statutes of the state of Nebraska of 1887, entitled "Decedents," and to repeal said original sections, and to repeal sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28) and twenty-nine (29), of chapter twenty-three (23), of the Compiled Statutes of Nebraska of 1887, and section seventeen (17), of chapter thirty-six (36), of the Compiled Statutes of Nebraska of 1887, entitled "Homesteads," and all acts and parts of acts in conflict herewith.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section thirty (30), of chapter twenty-three (23), of the Compiled Statutes of Nebraska of 1887, entitled "Decedents," be amended to read as follows:

Section 30. When any person shall die seized of any lands, tenements or hereditaments, or of any rights thereto, or entitled to any interest

Repealing
clause.

Amendment to
Sec. 30, Chap.
23, Comp. Stat.

Order of de-
scend.

therein in fee simple, or for the life of another, not having lawfully devised the same, they shall descend, subject to his debts, in the manner following:

First—If the intestate leave no issue, one-half shall descend to his widow in absolute title, and one-half to his father and mother.

Second—If the intestate shall leave only one issue, one-half shall descend to his widow in absolute title, and one-half to his issue.

Third—If the intestate leave two or more issue, one-third shall descend to his widow in absolute title, and the residue in equal shares to his children and to the lawful issue of any deceased child by right of representation.

Fourth—If the intestate leave no issue and no father, one-half shall descend to his widow in absolute title, and one-half to his mother.

Fifth—If the intestate leave no issue and no mother, one-half shall descend to his widow in absolute title, and one-half to his father. And in case of the death of both father and mother their distributive share shall descend to the deceased's brothers and sisters in equal shares and to their lawful issue by right of representation.

Sixth—If the intestate leave no widow, his estate shall descend to his children in equal shares, and to the lawful issue of any deceased child, by right of representation.

Seventh—If the intestate leave no issue and no widow all his estate shall descend to his parents, and in case of the death of either, then to the surviving parent, and in case of

the death of both, in equal shares to his brothers and sisters, and to the lawful issue of any deceased brother or sister by right of representation.

Eighth—If the intestate leave no issue, nor widow, and no father, mother, brother or sister, his estate shall descend to his next of kin in equal degree; excepting when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred. *Provided, however,*

Ninth—If any person shall die leaving several children, or leaving one child, and the issue of one or more other children, and any such surviving child shall die under age and not having been married, all the estate that came to the deceased by inheritance from such deceased parent, shall descend in equal shares, to the other children of the same parent, and to the issue of any such other children, who shall have died, by right of representation.

Tenth—If at the death of such child who shall die under age, and not having been married, all the other children of his said parent shall also be dead, and any of them shall have left issue, the estate that came to said child, by inheritance from his said parent shall descend to all the issue of other children of the same parent; and if all the said issue are in the same degree of kindred to the said child, they shall share the said estate equally; otherwise they shall take according to the right of representation.

Eleventh—If the intestate shall leave a widow and no kindred, his estate shall descend to such widow.

Twelfth—If the intestate shall leave no widow nor kindred, his estate shall escheat to the state of Nebraska; *Provided, further*, That the homestead, if any, left by the intestate shall descend as follows: The homestead shall be appraised by the county treasurer and county clerk and one freeholder, to be appointed by the judge of the county court, all to be residents of the county in which the homestead is situate. The judge of the county court shall, within sixty days after he has been notified in writing by any person of the death of the deceased and that the intestate leaves a homestead, or if the judge of the county court shall ascertain said facts from any other source, shall appoint such appraiser and rotify the county treasurer and county clerk and the appraiser appointed by said judge of the county court, in writing, to meet on a day fixed by said judge, within thirty days from the notice to meet at his office. The said appraisers shall then proceed at once to appraise the homestead of the deceased at its cash value, which appraisalment shall be made and returned in writing, under oath, by said appraisers, and shall be made a part of the records of said court. In case that any of the said appraisers shall fail to meet, the said court shall appoint other freeholders in their place, who shall proceed and appraise said homestead under this provision, and any vacancy at any time shall be filled in the

same way. The judge of the county court shall thereupon deduct from said appraisement the amount of incumbrance, if any, upon said homestead, and if the residue does not exceed the sum of one thousand (\$1,000) dollars said homestead shall descend to the widow in absolute title, subject to the incumbrance on the same, if any; in case there is a residue after deducting the amount of incumbrance, if any, and the one thousand dollars, it shall descend as provided in this act. And it is further provided that the widow shall have the option to retain the homestead, subject to the incumbrance if any, by paying such share or shares as descend to other heirs, within six months from her election to retain the homestead, which shall be within sixty days after the return of the appraisal; and in case she does not so elect, the property shall be sold by the said appraisers, at public sale for cash, subject to the incumbrance if any, after giving notice by publication four consecutive weeks in some newspaper published in said county, which notice shall contain a description of the homestead and the place and terms of sale, which sale shall be conducted in the same manner as a sheriff's sale of real estate on execution. Said appraisers shall make a full return of all their doings in and about the sale, including the notice to sell, under oath, to the county judge, who shall certify all of said papers to the district court of said county, on or before the first day of the next term thereof, and said district court shall confirm or disaffirm said sale, as in cases of sale of real estate by order of said

court. And in case the sale is disaffirmed, said court shall order another sale. In case said sale is affirmed, the said district court shall order said appraisers to execute a deed of conveyance to the purchaser, and deliver the same to the clerk of said court, who shall deliver the same, together with a certified copy of the proceedings in said district court, to the judge of the county court and take his receipt for the same. The said county court shall at once notify the purchaser that he holds said deed for delivery to said purchaser, upon the payment of the purchase money for said real estate to said county judge by said purchaser; and in case said purchaser shall fail or neglect to pay said purchase money as above provided within thirty days from and after he has been notified that said county court holds said deed, said purchaser shall pay all the costs of said sale and confirmation, including the expense of an attorney's fee expended in the sale and confirmation of said sale, which can be collected by any one to whom said fees are to be paid or by any one who has paid the same or any part thereof. When said purchase money has been paid to the said judge of the county court as above provided, he shall at once proceed to distribute the same as follows: The first one thousand dollars shall be paid to the widow, the residue as other personal property. Said appraisers shall receive the same fees as jurors, and shall be paid out of said estate. The widow's share cannot be affected by any will of her husband, unless she consents thereto in

writing within thirty days after his will has been left with the county judge for probate and she advised of its contents by a certified copy of the will duly served on her by personal service, and her consent as aforesaid filed with the county judge, who shall make it a part of the record.

The same share of the real estate of the deceased wife, as provided in this act, shall be set apart to the surviving husband. All provisions made in this act in regard to a widow of a deceased husband shall be applicable to the surviving husband of a deceased wife. The widow of any deceased person shall be entitled to her distributive share of all the lands whereof he husband was seized, of all estate of inheritance at any time during the marriage, unless she joins in a deed of conveyancy with her husband or is otherwise lawfully barred; *Provided, however*, if the wife is insane, she may be barred of her dower and interest in her husband's real estate at any time during the life of her husband by deed of her lawfully appointed guardian; *Provided*, That the widower of any deceased person shall be entitled to his distributive share, equal to that received by the widow, of all the lands whereof his wife was seized of all estate of inheritance at any time during the marriage, unless he join in a deed of conveyance with his wife or is otherwise lawfully barred. The estates of dower and courtesy are hereby abolished.

SEC. 2. That section one hundred and seventy-six (176) of chapter twenty-three (23)

Amendment to
Sec. 176, Chap.
23, Comp. Stat.

of the Compiled Statutes of Nebraska of 1887, entitled, "Decedents," be amended to read as follows:

Distribution of
personal estate

Section 176. When any person shall die possessed of any personal estate or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

First. The widow, if any, shall be allowed all the articles of apparel and ornament, and all the wearing apparel and ornaments of the deceased, the household furniture of the deceased, and other personal property, to be selected by her, not exceeding in value two hundred dollars; and this allowance shall be made as well when the widow receives the provisions made for her in the will of her husband, as when he dies intestate.

Second. The widow and children constituting the family of the deceased shall have such reasonable allowance out of the personal estate, or out of the income of the real estate as the county court may judge necessary for their maintenance during the progress of the settlement of the estate, according to their circumstances, which in the case of an insolvent estate shall not be longer than one year after granting administration, nor for any time after the personal estate shall be assigned to the widow. And when the personal estate and the income from the real estate shall be insufficient to meet the allowance made, or any other allowance made as provided by law, such an allowance shall be deemed a debt against the

estate, to be paid out of the proceeds of the sale of any real estate, and to take its preference for payment next after debts due this estate, and before the claims of general creditors.

Third. When a person shall die leaving children under fourteen years of age, having no mother, or when the mother shall die before the children shall arrive at the age of fourteen years, an allowance shall be made for the necessary maintenance of such children, until they arrive at the age of fourteen years, out of such part of the personal estate and the income of such part of the real estate as would have been assigned to their mother if she had been living.

Fourth—If on the return of the inventory of any estate, it shall appear that the value of the salable estate does not exceed the sum of two hundred and fifty (\$250) dollars, the county court may by decree for that purpose, assign for the use and support of the widow and children of such intestate, or for the support of the children under fourteen years of age, if there be no widow, the whole of such estate, after the payment of the funeral charges and the expenses of administration.

Fifth—If the personal estate shall amount to more than two hundred and fifty (\$250) dollars, and more than the allowance mentioned in the preceding subdivision of this section, the same shall be applied to the payment of the debts of the deceased, with the charges of his funeral and the settling of his estate.

Sixth—The residue, if any, of the personal estate shall be distributed in the same proportion, to the same persons, as prescribed for the descent and distribution of real estate in this act, except that if the intestates leave no homestead, then one thousand (\$1,000) dollars of the residue referred to in this division, shall be set apart to the widow; and it is further enacted that the widow's share cannot be affected by any will of her husband unless she consents thereto in writing within six months after notice to her of the provisions of the will by parties interested in the estate, which consent shall be entered on the records of the county court; all provisions made in this section in regard to the widow of a deceased husband shall be applicable and shall apply to the surviving husband of a deceased wife.

Repealing
clause.

SEC. 3. Said original section thirty (30) and one hundred and seventy-six (176), of chapter twenty-three (23), of the Compiled Statutes of Nebraska of 1887, entitled "Decedents," and sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28) and twenty-nine (29), of said chapter twenty-three (23), and section seventeen (17), of chapter thirty six (36), of the Compiled Statutes of 1887, entitled "Homesteads," are hereby repealed.

SEC. 4. Whereas, an emergency exists, this ^{Emergency clause.} act shall take effect and be in force from and after its passage.

Approved March 29th, 1889.

CHAPTER 58.

[Senate File No. 195.]

AN ACT restricting non-resident aliens and corporations not incorporated under the laws of Nebraska, in their right to acquire and hold real estate, and to repeal sections fifty-four (54), sixty-three (63) and sixty-four (64), of chapter seventy-three (73) of the Compiled Statutes, 1887, and all acts and parts of acts in conflict with this act.

Be it enacted by the Legislatnre of the State of Nebraska:

SECTION. 1. Non-resident aliens and corpor- ^{Aliens, escheatment,} ations not incorporated under the laws of the state of Nebraska, are hereby prohibited from acquiring title to or taking or holding any lands or real estate in this state by descent, devise, purchase or otherwise, only as herein-after provided, except that the widow and heirs of aliens who have heretofore acquired lands in this state under the laws thereof, may hold such lands by devise or descent for a period of ten (10) years and no longer, and if at the end of such time herein limited such lands so acquired have not been sold to a bona fide purchaser for value, or such alien heirs have not become residents of this state, such lands shall revert and escheat to the state of Nebraska, and it shall be the duty of the county attorney in the counties where such lands are situated

to enforce forfeitures of all such lands as provided by this act.

When lands of
aliens escheat,
duty of county
attorney.

SEC. 2. Whenever any such lands shall revert and escheat to the state of Nebraska as provided in this act, it shall be the duty of the county attorney of the county in which such lands are situated to proceed against such alien in the district court of the county where the land is situated, for the purpose of having such forfeiture declared. Service of summons may be had upon the non-resident alien defendants by publication as provided in the Statutes of Nebraska for the service of summons by publication in cases of foreclosure of mortgages, and the court shall have power to hear and determine the questions presented in such cases and to declare such lands escheated to the state; and when such forfeiture shall be declared by the district court it shall be the duty of the clerk of the court to notify the governor of the state that the title to such lands is vested in the state by the decree of the said court, and the clerk of the court shall present the auditor of public accounts with the bill of costs incurred by the county in prosecuting such case, who shall issue a warrant to the clerk of the court on the state treasurer to repay the county for such costs incurred.

Heirs to be
paid value of
land.

The heirs or persons who would have been entitled to such lands, shall be paid by the state of Nebraska the full value thereof, as ascertained by appraisement upon the oaths of the judge, treasurer and clerk of the county where such lands lie, and such lands shall then

become subject to the law, and shall be disposed of as other lands belonging to the state; *Provided*, That the expense of the appraisement shall be deducted from the appraised value of the land.

SEC. 3. Any non-resident alien who OWNS Vested rights. land in this state at the time this act takes effect, may dispose of the same during his life to bona fide purchasers for value, and may take security for the purchase money with the same rights as to securities as a citizen of the United States.

SEC. 4. This act shall not, nor shall any- May take valid title. thing in the Statutes of Nebraska, prevent the holders, whether non-resident aliens or corporations not organized under the laws of the state of Nebraska, of liens upon real estate or any interest therein, whether heretofore or hereafter acquired, from holding or taking a valid title to the real estate subject to such liens, nor shall it prevent any such alien or corporation from enforcing any lien or judgment for any debt or liability now existing, or which may hereafter be created, nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment; *Provided, however*, That all Must be sold, when. lands so acquired shall be sold within ten (10) years after the title thereto shall be perfected in such non-resident alien or foreign corporation, and in default of such sale within such time, such real estate shall revert and escheat to the state of Nebraska, as provided in this act.

Exception,
when.

Provided, further, That the provisions of this act shall not apply to the real estate necessary for the construction and operation of railroads, and,

Same, manu-
facturing es-
tablishments.

Provided, further, That nothing in this act shall be construed to prohibit any non-resident alien or foreign corporation from purchasing and acquiring title to so much real estate as shall be necessary for the purpose of erecting and maintaining manufacturing establishments; and

Same, cities.

Provided, further, That the provision of this act shall not apply to any real estate lying within the corporate limits of cities and towns.

Repealing
clause.

SEC. 5. Sections fifty-four (54), sixty-three (63), and sixty-four (64), of chapter seventy-three (73), of the Compiled Statutes of 1887, as now existing, and all acts and parts of acts in conflict with this act are hereby repealed.

Emergency
clause.

SEC. 6. There being an emergency, this act shall take effect and be in force from and after its passage and approval.

Approved March 16th, 1889.

CHAPTER 59.

[House Roll No. 122.]

AN ACT to amend sections forty (40) and forty-one (41) of chapter sixteen (16) of the Compiled Statutes of Nebraska, entitled "Corporations."

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That sections forty (40) and forty-one (41) of chapter sixteen (16) of the Compiled Statutes of the state of Nebraska, be amended to read as follows: Section 40. It shall be lawful for any religious sect or denomination, fire company or any literary, scientific or benevolent association (other than colleges, universities, academies or seminaries) within this state to elect, at a meeting of a majority of the members of any organized church, fire company, literary, scientific or benevolent association as aforesaid, called for that purpose, any number of their members, not less than three (3), to serve as trustees or directors, and one member as clerk, who shall hold their offices during the pleasure of the society or association; *Provided*, That all religious bodies that have in their articles of association, constitution, by-laws or discipline, provisions for the election of trustees or directors to hold property for the use and benefit of the membership and ministry thereof, may and are hereby authorized to elect such trustees or directors according to such provisions, and that a certificate of such

Amendment to
Secs. 40 and
41, Chap. 16,
Comp. Stat.

Officers, how
elected.

election, signed by the president and clerk of such meeting or conference, shall be placed upon the records of the county in which said property may be situated; and *Provided, further*, That this act shall also include and apply to, and provide for the incorporation of any synod, conference, association, diocese, presbytery or any other ecclesiastical body or court of any religious sect or denomination comprising or extending over the whole state or any part thereof, and in every such case in which such body to be incorporated shall comprise or extend over more than one county in this state, the certificate of election of the trustees or directors shall also be filed in the office of the secretary of state and there recorded. Section 41.

Certificates of election to be filed with secretary of state.

Proceedings to be recorded in the county clerk's office.

That the clerk so elected shall make a true record of the proceedings of such meeting provided for in this subdivision, so far as the same pertains to the organization of the body and the election of such trustees or directors, and certify and deliver a true copy of the same to the clerk of the county where such meeting shall be held, if said body shall not comprise or extend over more than such county, together with the name by which such church, fire company, association or body shall thereafter desire to be known; and it shall be the duty of such county clerk, immediately upon receipt of of such certified statement, to record the same in a book of record, to be kept by him, provided for that purpose at the expense of his county, for which service he may demand the sum of ten cents per hundred words; and in

case said body shall comprise and extend over more than one county, then such clerk shall deliver such certified copy of said proceedings and such name to the secretary of state of this state, who shall in like manner file and record the same in his office, in a book provided for such purpose at the expense of the state; and from and after the making of such record by the county clerk or the secretary of state, as the case may be, the said trustees or directors and their associate members, as such body, company, church, association, synod, conference, presbytery, diocese or other court, and their successors, shall be invested with the powers, privileges and immunities incident to aggregate corporations, and a certified transcript of the record herein authorized to be made by county clerk or secretary of state, shall be deemed and taken in all courts and places whatsoever in this state as *prima facie* evidence of the existence of such corporation. And it is further provided that said sections forty (40) and forty-one (41) as now existing be and they are hereby repealed.

Same, filed
with secretary
of state, when.

Repealing
clause.

Approved March 26th, 1889.

CHAPTER 60.

[House Roll No. 50.]

AN ACT providing for the conveyance of real estate by executors and administrators in certain cases.

Be it enacted by the Legislature of the State of Nebraska:

Executor may complete contract to convey real estate.

SECTION 1. When a person who has entered into a written contract for the sale and conveyance of an interest in land, dies before the completion thereof, and his executor, administrator or other legal representative desires to complete the contract, he may file a petition therefor in the district court of the county in which the land or any part thereof is situated. The application for hearing on such petition, and service of notice of the pendency of such action shall be made in the same manner as in actions against the representatives of a decedent to compel the conveyance of land, as provided in section three hundred and twenty-four (324), of chapter twenty-three (23), of the Compiled Statutes, entitled "Decedents," and the heirs at law, devisees or other legal representatives of the deceased vendor when not plaintiffs, must be made defendants in the action.

Same, all contracts may be included in one petition.

SEC. 2. When there is more than one of such contracts so made by such deceased vendor in his lifetime, although with different persons, and for different tracts of land, which the legal representatives of such deceased vendor desire to complete, such contracts may all be

described and included in one petition, and deeds may be ordered to the different persons entitled thereto, as provided in the next section.

SEC. 3. The court, after causing to be secured to and for the benefit of the estate of the deceased its just part and proportion of the consideration of the contract or contracts may authorize the executor, administrator or other legal representative to complete the same, and to execute a deed or deeds for and on behalf of the heirs at law, to the purchaser or purchasers which shall recite the order, and be as binding on the heirs at law, and all other persons interested as if it or they had been made by the deceased in his lifetime.

Same, court may authorize conveyance.

SEC. 4. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Emergency clause.

Approved March 12th, 1889.

CHAPTER 61.

[House Roll No. 293.]

AN ACT to amend section twenty-two (22), article one (1), chapter eighteen (18), Compiled Statutes of 1887, entitled "An Act Concerning Counties and County Officers," and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section twenty-two (22), article one (1), chapter eighteen (18), be amended to read as follows:

Amendment to Sec. 22, Art. 1, Chap. 18, Comp. Stat.

Powers of
county.

Each county shall have power:

First—To purchase and hold the real and personal estate necessary for the use of the county, and to purchase and hold for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff or is interested; and all real estate conveyed by general warranty deed to trustees in which the county is the beneficiary, whether such real estate situated in the county so interested, or in some other county or counties of the state.

Second—To sell and convey, or lease any real or personal estate owned by the county.

Third—To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

Repealing
clause.

SEC. 2. That said original section twenty-two (22), article one (1), chapter eighteen (18), Compiled Statutes of 1887, be and the same is hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect on and after its passage.

Approved February 7th, 1889.

CHAPTER 62.

[Senate File No. 109.]

AN ACT authorizing the governor, for and on behalf of the state of Nebraska, to execute, acknowledge and deliver to the city of Omaha, in the County of Douglas and State of Nebraska, a deed conveying to said city the ground formerly known as "Capitol Square" in the city of Omaha.

WHEREAS, Under the provisions of an act entitled "An act to transfer to the city of Omaha, for school purposes, the capitol grounds and buildings in said city and to provide a board of regents for the management of the same," approved February 4, 1869, the ground herein-after designated did revert to and vest in the city of Omaha for school purposes; and,

WHEREAS, The then governor of the state of Nebraska failed to make a deed conveying said ground to said city as provided and required by said act, and,

WHEREAS, The city of Omaha did erect upon said ground a building for high school purposes and has been in the actual occupancy of said ground and maintained a high school thereon, but is without a record title to said ground; therefore,

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. The governor of the state of Nebraska is hereby authorized and directed, for, and on behalf of the state of Nebraska, to make, execute and deliver to the city of Omaha, in the county of Douglas and state of

The governor
authorized to
make deed.

Nebraska, a deed in due form conveying the ground formerly known and designated on the lithographed map of said city as "Capitol Square," situate in said city of Omaha, and now occupied by said city for high school purposes, in accordance with the terms, conditions and provisions of the aforesaid act.

Approved April 3d, 1889.

CHAPTER 63.

[Senate File No. 61.]

AN ACT granting the consent of the state of Nebraska to the purchase or condemnation by the United States, of a block of ground in Omaha, for the purpose of the erection of a postoffice or postoffice and court house at Omaha, and ceding jurisdiction thereof to the United States.

Be it enacted by the Legislature of the State of Nebraska:

Consent to
purchase post-
office site in
Omaha
granted.

SECTION 1. That the consent of the State of Nebraska is hereby given to the purchase or condemnation by the United States of such land in the city of Omaha, Douglas County, Nebraska, not exceeding one block in extent, as may hereafter be selected by the United States, as a site for a postoffice or postoffice and court house.

Jurisdiction.

SEC. 2. The jurisdiction of the state of Nebraska in and over the land mentioned in the preceding section, when purchased or condemned by the United States, shall be and the same is hereby ceded to the United States. *Provided,* That the jurisdiction hereby ceded shall con-

tinue no longer than the said United States shall own or occupy said land.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of Nebraska shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Nebraska against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, grant or condemnation, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state.

SEC. 5. Whereas, an emergency exists, therefore, this act shall take effect from and after its passage.

Approved March 21st, 1889.

CHAPTER 64.

[House Roll No. 433.]

AN ACT granting the consent of the state of Nebraska to the purchase or condemnation by the United States of a tract of land in Sarpy, Washington or Douglas county, for a military post and reservation, and ceding jurisdiction thereof to the United States.

Be it enacted by the Legislature of the State of Nebraska.

Consent to
purchase mili-
tary reserva-
tion granted.

SECTION 1. That the consent of the state of Nebraska is hereby given to the purchase or condemnation by the United States of such land in Sarpy, Washington or Douglas county, Nebraska, not exceeding one thousand acres in extent, as may hereafter be selected by the United States, as a site for a military post and reservation.

Jurisdiction.

SEC. 2. The jurisdiction of the state of Nebraska in and over the land mentioned in the preceding section, when purchased or condemned by the United States, shall be and the same hereby is ceded to the United States. *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said land.

Same, concu-
rent.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of Nebraska shall retain concurrent jurisdiction with the United States in and over the said land so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or author-

ity of the state of Nebraska against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, grant or condemnation, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

Same, when to
become vested.

SEC. 5. This act shall take effect from and after its passage.

Approved March 30th, 1889.

CHAPTER 65.

[Senate File No. 224.]

AN ACT granting the consent of the state of Nebraska to the purchase or condemnation by the United States of a block of ground in any city of the state of Nebraska for the purpose of the erection of a postoffice or postoffice and court house, and ceding jurisdiction thereof to the United States.

Be it enacted by the Legislature of the State of Nebraska:

Consent to
purchase post-
office sites
granted.

SECTION 1. That the consent of the state of Nebraska is hereby given to the purchase or condemnation by the United States of such land in any city in the state of Nebraska, not exceeding one block in extent, as may hereafter be selected by the United States, as a site for a postoffice or postoffice and court house.

Jurisdiction.

SEC. 2. The jurisdiction of the state of Nebraska in and over the land mentioned in the preceding section, when purchased or condemned by the United States, shall be and the same hereby is ceded to the United States; *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said land.

Same, concu-
rent.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of Nebraska shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process in all cases, and such criminal or

other process as may issue under the laws or authority of the state of Nebraska against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, grant or condemnation, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

Same, when to become vested.

Approved March 30th, 1889.

CHAPTER 66.

Senate File No. 5.]

AN ACT to amend section ten (10), article thirteen (13), chapter eighty-three (83), of an act entitled "An act ceding jurisdiction of the military reservations of Fort Niobrara and Fort Robinson, Nebraska," and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section ten (10), article thirteen (13), of chapter eighty-three (83), of an act ceding the jurisdiction over the military

Amendment to Sec. 10, Art. 13, Chap. 83, Comp. Stat.

Jurisdiction
ceded.

reservations of Fort Niobrara and Fort Robinson, Nebraska, be amended to read as follows: "That the jurisdiction of the state of Nebraska, in and over the reservations known as Fort Niobrara and Fort Robinson, be and the same are hereby ceded to the United States."

Conditions.

Provided, That the jurisdiction hereby ceded to the United States shall continue no longer than the United States shall own or occupy said military reservations.

Provided, further, That nothing in this act shall exempt any property within the limits of said military reservations belonging to any civilian therein from assessment, levy and collection of tax which would otherwise be subject to taxation within Nebraska, except the personal property of the officers and enlisted men in the service of the United States who may be stationed on said military reservations, the said personal property being owned by said officers and enlisted men for their comfort and convenience. Nor shall any of the provisions of this act in any way interfere with any proper officer of the state of Nebraska in entering upon said reservations for the purpose of assessment or collecting any taxes due said state. Nor shall any of the provisions of this act prevent the enforcement on said military reservations of chapter fifty (50) of the Compiled Statutes relating to the license and sale of intoxicating liquors.

Repealing
clause.

SEC. 2. That section ten (10), article thirteen (13), chapter eighty-three (83), as now existing is hereby repealed and this, the section

substituted in its stead; *Provided*, That all suits pending and all rights acquired under section hereby repealed shall be saved the same as though said section had continued in force.

SEC. 3. Whereas, an emergency exists, this ^{Emergency clause.} act shall take effect and be in force from and after its passage.

• Approved March 29th, 1889.

CHAPTER 67.

[House Roll No. 234.]

AN ACT ceding jurisdiction of the state of Nebraska to the United States over the military reservation known as Fort Sidney.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the jurisdiction of the state ^{Jurisdiction ceded.} of Nebraska in and over the military reservation known as Fort Sidney be and the same is hereby ceded to the United States. *Provided*, That the jurisdiction hereby ceded shall continue no longer than the United States shall own and occupy said military reservation. *Provided, further*, That nothing in this act shall be so construed as to prevent the enforcement on said military reservation of the laws of this state relating to the regulation, license, and sale of intoxicating liquors by the state of Nebraska.

SEC. 2. The said jurisdiction is ceded upon ^{Conditions.} the express condition that the state of Nebraska

shall retain concurrent jurisdiction with the United States in and over the said military reservation so far as that all civil process in all cases, and such criminal or other process may issue under the laws or authority of the state of Nebraska against any person or persons charged with crime or misdemeanors committed within said state, may be executed therein in the same way and manner as if such jurisdiction had not been ceded, except so far as such process may effect the real and personal property of the United States;

Provided, That nothing in the foregoing act shall be construed so as to prevent the opening and keeping in repair public roads and highways across and over said reservations.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect from and after its passage.

Approved March 30th, 1889.

CHAPTER 68.

[House Bill No. 355.]

IRRIGATION.—ARTICLE 1.—WATER RIGHTS.

Section.

1. Right to use running water.
2. Same, for useful purpose.
3. No land burdened with more than one ditch, except.
4. Exempt from taxation.
5. May change place of diversion.
6. Water returned.
7. First right.
8. Notice to be posted.

Section.

9. Excavation—when.
10. Completion defined.
11. Claimant's right.
12. Same.
13. Ditches heretofore made have right to water.
14. Who must comply with provisions of this act.
15. Record of notice.

ARTICLE 2.—RIGHT OF WAY.

Section.

1. Owner of land on stream may use water.
2. Right of way, damage.
3. Condemnation proceedings.
4. Same, appeal.
5. Rams—machines to draw water.
6. Reservoirs, factory.
7. Enlargement of ditches.
8. May issue bonds—borrow money.

Section.

9. Works of internal improvement.
10. Must keep ditch in repair.
11. Prior vested rights.
12. Water allotment by custom.
13. Entitled to water from ditch in order of location.
14. Excessive use of water—damage.
15. Interfering with ditch—penalty.
16. Repealing clause.
17. Emergency clause.

AN ACT to provide for water rights and irrigation, and to regulate the right to the use of water for agricultural and manufacturing purposes and to repeal sections one hundred and fifty-eight (158) and one hundred and fifty-nine (159) of chapter sixteen (16) of the Compiled Statutes of 1887, entitled "Corporations."

Be it enacted by the Legislature of the State of Nebraska:

ARTICLE 1.—WATER RIGHTS.

SECTION 1. The right of the use of running water, flowing in a river or stream or down a canyon, or ravine, may be acquired by appropriation by any person or persons, company or

The right to use running water acquired by appropriation.

corporation organized under the laws of the state of Nebraska; *Provided*, That in all streams not more than fifty feet in width, the rights of the riparian proprietors are not affected by the provisions of this act.

Same, for a useful purpose.

SEC. 2. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose, the right ceases.

No land burdened with more than one ditch, except.

SEC. 3. No tract of land shall be crossed by more than one ditch, canal or lateral without the written consent and agreement of the owner thereof, if the first ditch, canal or lateral can be made to answer the purpose for which the second is desired or intended.

Exempt from taxation.

SEC. 4. All ditches, canals or laterals used for the purpose of irrigation shall be exempt from all taxation, whether for state, county or municipal purposes.

May change place of diversion.

SEC. 5. The person, company or corporation entitled to the use may change the place of diversion if others are not injured by such change and may extend the ditch, flume or aqueduct by which the diversion is made to places beyond that where the first use was made.

Water must be returned to stream from which it was taken.

SEC. 6. The water appropriated from a river or stream shall not be turned or permitted to run into the waters or channel of any other river or stream than that from which it is taken or appropriated.

First in right.

SEC. 7. As between the appropriators the one first in time is first in right.

SEC. 8. A person, company or corporation desiring to appropriate water must post a notice in writing in a conspicuous place at the point of the intended diversion, stating therein:

Notice to be posted by party desiring to appropriate water.

First—The he, they or it claims the water there flowing to the extent of (giving the number) inches, measured under a four inch pressure, and accurately describing the point of diversion.

Second—The purpose of which he, they or it claim it, and the place of intended use.

Third—The means by which he, they or it intend to divert it, and the size of the flume, ditch, pipe or aqueduct in which it is intended to divert it. A copy of the notice must, within ten days after it is posted, be recorded in the office of the county clerk of the county in which it is posted.

SEC. 9. Within sixty days after the notice is posted, the claimant must commence the excavation or construction of the works in which it is intended to divert the water, and must prosecute the work diligently and uninterruptedly to completion unless temporarily interrupted by snow or rain.

Excavation, must commence when.

SEC. 10. By completion is meant conducting the water to the place of intended use.

Completion defined.

SEC. 11. By compliance with the above rules, the claimant's right to the use of water relates back to the time the notice was posted.

Claimant's right.

SEC. 12. A failure to comply with such rules deprives the claimant of the right to the use of the water as against a subsequent claimant

Same.

who complies herewith except as provided in the next section.

Ditches heretofore made have right to water.

SEC. 13. All ditches, canals and other works heretofore made, constructed or provided by means of which the waters of any stream have been diverted and applied to any beneficial use must be taken to have secured the right to the waters claimed to the extent of the quantity which said works are capable of conducting and not exceeding the quantity claimed without regard to, or compliance with the requirements of this chapter.

Who must comply with provisions of this act.

SEC. 14. Persons who have heretofore claimed the right to water and who have not constructed works in which to divert it, and who have not diverted it nor applied it to some useful purpose, must, after this title takes effect, and within ninety thereafter, proceed as in this title provided, or their right ceases.

Record of notice.

SEC. 15. The county clerk of each county must keep a book, in which he must record the notices provided for in this title.

ARTICLE 2.—RIGHT OF WAY FOR DITCHES.

Owners of land on stream entitled to use of water.

SECTION 1. All persons, companies and corporations owning or claiming any lands situated on the banks or in the vicinity of any stream are entitled to the use of the waters of such stream for the purpose of irrigating the land so held or claimed.

Right of way through farms and lands.

SEC. 2. When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a

ditch, canal or other conduit on his own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands can not be had, such owner or claimants are entitled to a right of way through the lands of others for the purpose of irrigation; *Provided*, That in the making, constructing, keeping up and maintenance of such ditch, canal, or conduit through the lands of others, the person, company or corporation proceeding under this section, and those succeeding to the interests of such persons, company or corporation, must keep such ditch, canal or conduit in good repair, and are liable to the owners or claimants of the lands crossed by such work or aqueduct for all damages occasioned by the overflowing thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

Liability for
damage.

SEC. 3. In case of the refusal of the owners or claimants of any lands through which such ditch, canal or other works are proposed to be made or constructed to allow the passage thereof, the person, company or corporations desiring the right of way may present to the county judge of the county in which said lands are situated, a petition describing the lands to be crossed, the size of the ditch, canal or works, the quantity of land which is required to be taken, and setting forth the names of the owners or parties interested in the lands to be crossed, and praying for the appointment of

Condemnation
of right of way.

Appraisers.

five appraisers, disinterested freeholders of said county to ascertain the compensation to be made to such owners or parties interested. Upon the filing of said petition the county judge must give notice by publication in a newspaper of general circulation in said county, if there is such printed in said county, or if there be none, by posting such notice in three (3) of the most public places in the county, one of which must be at the county seat, that at a time and place specified in said notice, said petition will be heard and said appraisers appointed, unless good cause be shown by the parties adversely interested, why the said petition should be denied. Said notice must be published or posted for not less than thirty (30) days prior to the hearing thereof, and the expenses of the publication or posting of the same must be defrayed by the petitioner.

Same, oath,
powers, duties,
appeal.

SEC. 4. The said appraisers must, before entering upon the duties of their office, take an oath to faithfully and impartially perform the duties as such appraisers, and make a true and just award of the amount of compensation to be paid for the right of way over, and use of the lands to be crossed by such ditch, canal or other conduit.

They must hear the allegations and proofs offered by the respective parties and after viewing the lands and premises, ascertain and certify the amount of compensation which in their judgment it is just and proper to make to the parties owning or interested in the lands to be

crossed for the use of the same, and for damages, if any, on account of injury to other portions of the tract of land of any owner or interested party, after making allowance and deducting for real and direct benefits which such owner or party interested will derive from the making of such ditch, canal or other works.

The appraisers, or a majority of them, must subscribe to such certificate and the same must be filed with the county judge, who upon the payment of the fees therefor shall cause a certified copy to be recorded, together with all the proceedings had in the office of the county clerk, and upon the payment of the compensation and damages, if any, or the tender thereof to the proper parties or in the absence of such parties from the county, then upon the deposit of the amount in the county treasury to the credit of the said parties, the persons, company or corporation petitioners have the right on entry upon and of way for the proposed ditch, canal, or other works.

Provided, That either party may have the right to appeal from such assessment of damages to the district court of the county in which said lands are situated within sixty days after such assessment is filed as aforesaid.

And in case of such appeal the decision and finding of the district court shall be transmitted by the clerk thereof duly certified to the county clerk to be filed and recorded in his office.

But such appeal shall not delay the prosecu-

tion of the works upon said ditch, canal or works, if such persons, company or corporation shall first pay or deposit with such county treasurer the amount so assessed by said appraisers, such persons, company or corporation shall in all cases pay the costs of the first assessment.

Provided, That if on appeal the appellant shall not obtain a more favorable judgment and award than was given by said appraisers, then such appellant shall be adjudged to pay all costs made on such appeal.

Provided further, That either party may appeal from the decision of the district court to the supreme court of the state, and the money so deposited shall remain in the hands of the county treasurer, until a final decision be had subject to the order of the supreme court.

Right to place
rams on
streams, how
acquired.

SEC. 5. All persons, companies and corporations owning or having the passory or other title or right to lands adjacent to any stream, have the right to place in the channel of or upon the banks or margins of the same, rams or other machines for the purpose of raising the waters thereof to a level above the banks, requisite for the flow thereof to and upon the adjacent lands, and the right of way over and across the lands of others for conducting said waters, may be acquired in the manner prescribed in the last two sections.

Reservoirs,
condemnation,
right of way.

SEC. 6. Where the owners of any spring or stream or the appropriators thereof desire to conduct the waters thereof to any lands for purposes of irrigation, or to any city or town

for the use of the inhabitants thereof; or to any reservoir for the purpose of storing said waters for irrigation purposes, or to any factory or any distant place with the intent to apply the same to a beneficial use, and to accomplish such object it is necessary to cross with ditches, flumes or other conduits the lands owned or occupied by others than the owners or appropriators of such spring or stream, the right of way over and across the land of others for conducting such water and the condemnation of land for reservoirs for storing said waters for irrigation purposes may be acquired in the manner above prescribed.

SEC. 7. If the owner of any irrigation ditch or canal requires or deems it necessary to enlarge any such ditch or canal, such owner shall be permitted to do so on reasonable terms, and in case the said owner of such ditch or canal, and the owner or claimant of the lands abutting said ditch or canal cannot agree as to terms for such enlargement, then the damage, if any, to the owner or claimant of said lands shall be ascertained in the same manner provided for by the appraisers in sections three (3) and four (4) of this title.

Enlargement
of ditches.

SEC. 8. If any corporation organized under the laws of this state for the purpose of constructing and operating canals for irrigating or water power purposes, or both, may acquire a right of way over or upon any land for the necessary construction of such canal, including dams, reservoirs and all necessary adjuncts to said canals in the same manner as provided

Ditch companies
authorized to borrow
money and
issue bonds.

for persons and companies in this act, and such persons, canal companies and corporations shall have the same power to occupy state lands with their said canals as is given to railroad corporations by Section 105, Chapter 16 of the Compiled Statutes of 1887; and such corporations shall also have power to borrow money, and to mortgage all their property and franchises in the same manner and for the same purposes as railroad corporations.

And all the laws applicable to railroad corporations in respect to the borrowing of money, issuing of bonds, and giving of mortgages and the manner of so doing, are hereby declared to be applicable to canal or irrigation corporations.

Works of
internal im-
provement.

SEC. 9. Canals constructed for irrigating or water-power purposes or both, are hereby declared to be works of internal improvement, and all laws applicable to works of internal improvement are hereby declared to be applicable to such canals.

Ditch must be
kept in repair.

SEC. 10. The owners or constructors of ditches, canals, works, or other aqueducts and their successors in interest using and employing the same to convey the waters of any stream or spring, whether the said ditches, canals or aqueducts be upon the lands owned or claimed by them or upon other lands, must carefully keep and maintain the same, and the embankments, flumes or other conduits by which said waters are or may be conducted in good repair and condition, so as not to damage or in any way injure the property or premises of others.

SEC. 11. Nothing in this chapter contained ^{Vested rights.} must be so construed as to interfere with or impair the rights to water appropriated and acquired prior to the passage of this chapter, But this reservation in behalf of existing rights does not exempt such appropriators from liability as provided in the last section.

SEC. 12. In case the volume of water in any ^{Water allotted according to custom.} stream is not sufficient to supply continually the wants for irrigating purposes of the owners or proprietors of land in any district or neighborhood in which customs exist for distributing the waters amongst such owners or proprietors, the waters diverted must in such case be held to be a common right in those accustomed to the participation in the use and enjoyment of such distribution, and such customs must be upheld in all courts as conferring such common right in the same. But this section does not affect any prior vested rights.

SEC. 13. In case any person, company or ^{Owners of land on line of ditch entitled to water in order of location.} corporation has constructed a ditch for the purpose of diverting the water of any river, creek, canyon, ravine or spring, for the purpose of selling the water thereof for irrigating purposes, the owners or cultivators of said land along the line of and covered by said ditch or canal, are entitled to and have the right to the use of water from said ditch or canal, for the purpose of irrigating said land, so owned or cultivated in the following order:

First. All persons through whose land such ditch or canal runs are entitled to the use of

the waters thereof in the order of their location along the line of said ditch or canal.

Second. After those through whose land the ditch or canal runs, those upon either side of the line of the ditch or canal are entitled to the use of the waters thereof, those equally distant from the line of said ditch or canal are entitled to priority in the order of their location along the line of said ditch or canal; *Provided*, That in times of scarcity of water the same shall be equally distributed to the consumers thereof; *Provided*, That the owners or cultivators of such lands pay the usual and customary rates for the use of said water, and whenever any ditch or canal has been constructed for the purpose of conveying water and selling the same for irrigating purposes, it is unlawful for the owner or owners of said ditch or canal to change the line of said ditch or canal, so as to prevent or interfere with the use of water from said ditch or canal by any one who, prior to the proposed change, had used water for irrigating purposes from said ditch or canal; and it is hereby made the duty of the owner or owners of any such ditch or canal to keep the same in good repair, and to cause the water to flow through said ditch or canal to the extent of its capacity, if so much be needed during the entire time that water is necessary for irrigating purposes; *Provided*, That the river, creek, canyon, ravine or spring, from which the water is taken, furnishes an amount of water sufficient for such purposes, subject to the appropriation of the owner or

owners of such ditch or canal. For a failure to cause the water to flow as aforesaid, the owner or owners, or lessees of any such ditch are personally liable to any one for any damages resulting from such failure, and in addition to such personal liability, such damage is a lien upon such ditch or canal, which lien continues in force until such damages are paid.

SEC. 14. No person entitled to the use of water from any such ditch or canal, must under any circumstances use more water than good husbandry requires for the crop or crops that he cultivates, and any person using an excess of water is liable to the owner of such ditch or canal for the value of such excess, and in addition thereto, is liable for all such damages sustained by any other person, who would have been entitled to the use of such excess of water as fixed by this section.

SEC. 15. Any person or persons who shall unlawfully or without the consent of the owner of any ditch or channel, where it was placed or left to run, or who shuts or opens any ditch, gate or dam, with intent so to divert any water and thereby deprive any person of the use of the same, or who shall cut, break, or in any way injure any ditch, bank, dyke or flume, or raise any head gate of any main or lateral ditch, whether he be a water purchaser or not, from the said ditch or lateral, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall, for each and every offence, be fined in any sum not exceeding fifty (\$50).

Excessive use
of water, dam-
age.

Interfering
with ditch or
gate, penalty.

dollars, or shall be imprisoned in the county jail not exceeding thirty (30) days, either or both at the discretion of the court, and shall moreover be liable in a civil action to any person injured thereby in crops or otherwise, in three times the actual damage sustained in consequence of any such wrongful act or acts.

Repealing
clause.

SEC. 16. Sections one hundred and fifty-eight (158) and one hundred and fifty-nine (159), of chapter sixteen (16) of the Compiled Statutes of 1887, entitled "Corporations," are hereby repealed.

Emergency
clause.

SEC. 17. Whereas, an emergency exists, this act shall be in force from and after its passage.

Approved March 27th, 1889.

CHAPTER 69.

[Senate File No. 14]

TRUSTS.

Section.

- | | |
|--|--|
| 1. Pooling and combinations to fix prices. | 5. Violation, duty of county attorney. |
| 2. Same, each day a separate offense. | 6. Same, penalty. |
| 3. Same, damage, attorney fees. | 7. Power of court, persons, papers. |
| 4. Companies forfeit right. | 8. Labor associations. |

AN ACT to prohibit persons, partnerships, companies, associations or corporations engaged as manufacturers or dealers from entering into any understanding, contract, combination, pool or trust for any purpose whatever, and to provide punishment for violations of the same, and providing means for the suppression of such evils, and remedies for persons injured thereby.

Be it enacted by the Legislature of the State of Nebraska:

Pooling and
combinations
to fix prices
prohibited.

SECTION 1. It shall be unlawful for any person or persons, partnership, company, associa-

tion or corporation, organized for any purpose whatever, or engaged in the manufacture or sale of any article of commerce or consumption, or for any such person or persons, partnership, company, association or corporation dealing in any natural product, to enter into any contract, agreement or combination with any other person or persons, partnership, company, association or corporation, organized and doing business in this state, or in any other state or territory and doing business in this state, engaged in the manufacturing, selling or dealing in the same or any like manufactured or natural product, whereby a common price shall be fixed for any such article or product, or whereby the manufacture or sale thereof shall be limited or the amount, extent or number of such product to be sold or manufactured shall be determined, or whereby any one or more of the combining or contracting parties shall suspend or cease the sale or manufacture of such products, or whereby the products or profits of such manufacture or sale shall be made a common fund to be divided among the respective persons, partnerships, companies, association or corporation so entering into such contract, agreement or combination.

SEC. 2. Pooling between persons, partnerships, companies, associations or corporations engaged in the same or like business for any purpose whatever, and the formation of combinations or common understanding between two or more persons, companies, partnerships, associations or corporations, in the nature of what

Same, each
day a separate
offense.

are commonly called trusts, for any purpose whatever, or the continuance of the same after the taking effect of this act, are hereby prohibited and declared to be unlawful, and each day of the continuance of any such pool or trusts shall constitute a separate offence.

Same. damage
attorney's fee.

SEC. 3. That in case any person, persons, company, partnership, association, or corporation shall do, cause to be done or permit to be done any act, matter or thing in this act prohibited or declared to be unlawful, such person, persons, partnership, company or corporation shall be liable to the person, persons, partnership, company, association or corporation injured thereby, for the full amount of damages sustained in consequence of any such violations of the provisions of this act, together with a reasonable counsel or attorney fee to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case, and the property of any person who may be a member or interested in any partnership, association, company or corporation violating the provisions of this act shall be liable for the full amount of such judgment and may be levied upon and sold to satisfy the same.

Unincorporated companies
forfeit right to
do business.

SEC. 4. Any association of persons doing business in this state in a firm, partnership or corporate name and not incorporated under the laws of this state who shall violate the provisions of this act, in addition to the other penalties and liabilities herein provided, shall forfeit its right to do business in such firm,

partnership or corporate name; and if any such persons shall thereafter continue to do business in such firm, partnership or corporate name, they shall incur the penalties provided in section three (3), of the act entitled, "An act providing for the recording the names of all members of associations doing business under a firm, partnership or corporate name." Approved February 25th, 1875.

SEC. 5. Any corporation violating any of the provisions of this act, in addition to the other penalties and liabilities herein provided, shall surrender and forfeit its right and privileges as a corporation, and it shall be the duty of the prosecuting attorney of the proper county to institute proceedings against said corporation or the persons constituting the same for the purpose of having the same dissolved and the same proceedings shall be and the same judgment may be rendered as is provided in title twenty-three (23), entitled "Information of the Code of Civil Procedure."

SEC. 6. Any person, partnership, company, association or corporation subject to the provisions of this act, or any director, officer, receiver, trustee, clerk, lessee, agent, or person acting for or employed by them or either of them who shall violate any of the provisions of section one (1) or two (2) of this act shall be declared guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding one thousand (\$1,000) dollars, or imprisoned in the jail of the county for a

period not exceeding six (6) months, or both, in the discretion of the court.

Power of court, persons, books and papers.

SEC. 7. In any action brought under any of the provisions of this act the court before whom the same shall be pending may compel any person or persons, partnership, company, association or corporation so proceeded against, or any of the members of any such partnership or corporation, or any director, officer, receiver, trustee, agent, employee or clerk of them, or either of them, to attend, appear and testify in such suit or proceeding, and may compel the production of the books and papers of any such person, persons, partnership, company, association or corporation party to any such proceeding.

Labor associations.

SEC. 8. Nothing herein contained shall prevent any assemblies or associations of laboring men from passing and adopting such regulations as they may think proper in reference to wages and the compensation of labor, and such assemblies and associations shall retain and there is hereby reserved to them all the rights and privileges now accorded to them by law, anything herein contained to the contrary notwithstanding.

Approved March 29th, 1889. .

CHAPTER 70.

[House Roll No. 337.]

AN ACT to provide for the encouragement of the manufacture of sugar and paying a bounty therefor.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That there shall be paid out of ^{Sugar bounty.} the state treasury to any corporation, firm or person engaged in the manufacture of sugar in this state from beets, sorghum, or other sugar yielding canes or plants grown in Nebraska, a bounty of one cent per pound upon each and every pound of sugar so manufactured under the conditions and restrictions of this act.

SEC. 2. No bounty shall be paid upon sugar ^{Same, conditions, duty of secretary of state.} not containing at least ninety (90) per cent. of crystalized sugar. The quantity and quality of sugar upon which bounty is claimed shall be determined by the secretary of the state, with whom all claimants shall, from time to time, file verified statements showing the quantity and quality of sugar manufactured by them, and upon which such bounty is claimed. The said secretary shall, without unnecessary delay, visit or cause to be visited by such person as he shall designate in writing, the factory where said sugar has been produced or manufactured, and take such evidence by the sworn testimony of the officers or employes of such factory, or others, as to amount and quality of sugar so

manufactured, as to him, or the person so designated by him, shall appear satisfactory and conclusive. The sugar so manufactured shall be placed by the manufacturer in original packages, which shall be examined and branded by the said secretary, or person by him designated, with a suitable brand showing the quantity and quality of sugar contained in each of said several packages, of which an accurate account shall be kept by said inspector, and filed in the office of the secretary of state.

Resident
inspector, duty,
compensa-
tion.

SEC. 3. It shall be the duty of the secretary of the state to appoint a resident inspector at each town where one or more manufactories of sugar may be located in this state, the aggregate output of which factories shall exceed two thousand (2,000) pounds of sugar per day, and such examiner shall make such examinations, take such evidence and make such records and reports as is specified in section two (2) of this act. The compensation or fee for such services of said resident inspector shall not exceed the sum of twenty-five (25) cents per package for each package so branded, nor the sum of five dollars (\$5) per day for any one day's services, and such resident inspector shall be required to give a good and sufficient bond in the sum of not less than two thousand dollars (\$2,000) to the state of Nebraska, contingent on the faithful performance of his duties, said bond to be approved by the said secretary of the state. Said fees or compensation, together with the cost of said brand and any and all analysis that the said secretary of the state or other authorized

inspectors shall require to be made, shall be borne and paid by the claimant for said bounty.

SEC. 4. When any claim arising under this ^{Warrant drawn, how.} act is filed, verified and approved by the secretary of the state, as herein provided, he shall certify the same to the auditor of state, who shall draw a warrant upon the state treasurer for the amount due thereon, payable to the party or parties to whom said sum or sums are due. *Provided*, That no bounty as herein provided shall be paid before the first day of January, 1890.

Approved March 19th, 1889.

CHAPTER 71.

[House Roll No. 254.]

AN ACT to amend sections ninety-one (91), ninety-two (92), ninety-six (96), and ninety-seven (97), of article one (1), of chapter seventy-seven (77), of the Compiled Statutes of the state of Nebraska, and to repeal said sections as they now exist.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That sections ninety-one (91), ^{Amendments to Sec. 91, 92, 96 and 97. Art. 1, Chap. 77, Comp. Stat.} ninety-two (92), ninety-six (96), and ninety-seven (97) of article one (1) of chapter seventy-seven (77), of the Compiled Statutes of the state of Nebraska, be and the same are hereby amended so to read as follows:

Section 91. In counties under township or- ^{Duplicate lists, receipt book.} ganization the county clerk shall make a duplicate of the tax list for each township and for

each city and village not included within the limits of any township; and on or before the first day of January the county clerk shall notify each township, city or village treasurer elect, of the amount for which he is required to furnish a bond for the collection of taxes. To each duplicate list the county clerk shall attach a warrant directed to the proper treasurer, similar to that required in section eighty-three (83) to be attached to the original tax list to the county treasurer, and such warrant shall be full and complete authority for the collection of taxes on said duplicate; and the county treasurer shall not receive or collect any of the taxes charged in any duplicate tax list so delivered, except the tax of non-residents of the township, city or village, until the same has been returned to him as herein provided.

The said county clerk shall procure and deliver to each township treasurer with said tax list, a tax receipt book with a blank margin or stub, upon which the said township, city or village treasurer shall enter the number and date of each tax receipt given to each tax payer, the amount of tax and by whom paid, and the paid tax receipt book containing said stubs shall be returned to the county clerk with the said duplicate tax list as hereinafter provided.

Bond, oath.

Section 92. Every township, city or village treasurer, on or before the first Thursday after the first Tuesday in January next after his election, or, if he be appointed, then within ten (10) days after his appointment, shall execute a

bond as collector of taxes, with two or more securities, to be approved as other official bonds of township officers are approved, in double the amount of taxes to be collected by him, conditioned upon the faithful performance of his duties as such collector.

Signatures to such bonds signed by a mark shall be witnessed, but in no other cases shall witnesses be required. Said bond shall be substantially in the following form, viz:

Know all men by these presents: That we A..... B....., of.....in the county of..... in the state of Nebraska, as.....treasurer, and C..... D..... and E..... F..... of said county and state as securities are held and firmly bound unto the state of Nebraska in the penal sum of dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Signed and sealed thisday of....., 18...

The condition of the foregoing bond is such, that if the above bound, A.... B...., shall perform all the duties required to be performed by him as treasurer for the year.....in the.....ofin the county of..... Nebraska in the time and manner prescribed by law, and when he shall be succeeded in office shall surrender and deliver over to his successor in office all books, papers, and moneys pertaining to his said office. Then the foregoing bond to be void, otherwise to remain in full force.

A..... B.....
C..... D.....
E..... F.....

He shall also take and subscribe an oath to be indorsed on the back of the bond substantially as follows:

I do solemnly swear that I will support the Constitution of the United States, and the constitution and laws of the state of Nebraska, and that I will faithfully discharge the duties of treasurer, in and for the.....of.....in the county of....., state of Nebraska, according to law and the best of my ability.

A..... B.....

Such bond and oath shall be filed and recorded in the record of official bonds in the office of county clerk.

Collector's account to treasurer.

Section 96. Each township, city or village treasurer shall, every thirty (30) days, return to the county treasurer a statement of the amount of all taxes collected by him showing each kind of tax, and at the same time pay over to said treasurer the amount so shown to have been collected, except townships, city, village and school taxes, and the township, city or village treasurer shall pay over to the city or village treasurer of cities or villages not constituting a township, and to the various school district treasurers on demand, all moneys collected by him belonging to said city, village or school district, taking duplicate receipts therefor, showing the amount of each kind of tax paid over; one of which shall be filed with the county clerk, who shall give the treasurer presenting the same credit therefor on his account.

Collector's return and final settlement.

Section. 97. Each township, city, and village treasurer shall, on the first day of September or

within ten days thereafter, annually make report to the county clerk of all unpaid personal tax, and unpaid real and personal property tax, and thereafter such tax, so reported, shall be received and receipted for by the county treasurer only.

Each township, city, or village treasurer shall return their duplicate tax list to the county clerk on the first day of September or within ten days thereafter, next after receiving the same and make a final settlement for the amount of taxes placed in his hands for collection, and shall then receive credit for all unpaid taxes, including all real and personal property tax of non-residents; *Provided*, That the county clerk may first notify in writing the several collectors upon what day, within ten days after the first day of September, they shall appear at his office and make final settlement.

SEC. 2. That sections ninety-one (91), ^{Repealing clause.} ninety-two (92), ninety-six (96), and ninety-seven (97) of article one (1), of chapter seventy-seven (77) of the Compiled Statutes of the State of Nebraska, as said sections now exist, be and the same are hereby repealed.

SEC. 3. Whereas, an emergency exists, this ^{Emergency clause.} act shall take effect and be in force from and after its passage and approval.

Approved March 26th, 1889.

CHAPTER 72.

[House Roll No. 142.]

AN ACT to provide for the relief of union soldiers, sailors and marines and the indigent wives, widows and minor children of indigent or deceased union soldiers, sailors and marines.

Be it enacted by the Legislature of the State of Nebraska:

Soldiers' relief
fund.

SECTION 1. That the county board of the several counties of this state are hereby authorized to levy in addition to the taxes now levied by law, a tax not exceeding three-tenths of one mill upon the taxable property of their respective counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief and for funeral expenses of honorably discharged indigent union soldiers, sailors and marines, and the indigent wives, widows and minor children not over 14 years of age in the case of boys, and not over 16 years of age in the case of girls, of such indigent or deceased union soldiers, sailors and marines having a legal residence in said county, to be disbursed as hereinafter provided.

Soldiers' relief
commission.

SEC. 2. The county board in each county of this state shall, on the second Tuesday in January, 1890, appoint three persons who are residents of such county, at least two of whom shall be honorably discharged union soldiers, one to serve three years, one to serve two years and one to serve one year from date of ap-

pointment, and each year thereafter one person to serve for three years, such persons so appointed, when organized by the selection of one of their number as chairman, and one as secretary, shall be designated and known as "The Soldiers' Relief Commission." The members of said commission shall qualify by taking the usual oath of office and shall each give bonds in the sum of five hundred dollars (\$500) for faithful performance of their duties. In the event of a vacancy in said commission occurring from any cause, the county board shall fill the vacancy for the unexpired term.

SEC. 3. The Soldiers' Relief Commission shall Same, duties. meet at the clerk's office on the second Monday in February of each year, and at such other times as is deemed necessary, and shall examine and determine who are entitled to relief under the provisions of this act, and shall make lists of such persons, and at the February meeting such commission, after determining the probable amount necessary for the purpose provided herein, shall certify the amount to the county board, and the county board of each county, at its regular meeting in June of each year, shall make such levies as shall be necessary to raise the required relief fund, not exceeding three-tenths of a mill on the taxable property of such county. The Soldiers' Relief Commission shall fix the amount to be paid in each case, the aggregate not to exceed the levy of said tax for any one year, and shall certify the lists to the county clerk. The clerks shall, within twenty days thereafter, transmit to the

County clerk,
duty.

justices of the peace in his county a list of the names of the persons in the respective townships or precincts to whom relief has been awarded and the amount thereof. The county clerk, on the first Monday of each month after said fund is ready for distribution, shall issue his warrant to the Soldiers' Relief Commission, upon the county treasurer, for the several amounts awarded. Such commission shall disburse the same to the person or persons named in the lists, taking receipts therefor; or such fund may be disbursed in any other manner directed by the commission; *Provided, however,* That when said commission is satisfied that any person entitled to relief under this act will not properly expend the amount allowed, the commission may pay the amount to some suitable person, who shall expend the same for such person in such manner as the commission may direct; and *Provided, further,* That said commission at any meeting may decrease, increase or discontinue any amount before awarded, and may add new names to the lists, which shall be certified to the county clerk.

Detailed
report.

The Soldiers' Relief Commission shall, at the end of each year, make to the county board a detailed report of the transactions of such commission; such reports shall be accompanied with vouchers for all moneys disbursed.

Removal.

SEC. 4. The county board may at any time remove any member of the commission for neglect of duty or mal-administration, and appoint others in the place of members thus removed.

Approved March 15th, 1889.

CHAPTER 73.

[Senate File No. 27.]

AN ACT to amend section eighty-nine (89) of article one (1) of chapter seventy-seven (77) of the Compiled Statutes of Nebraska of 1887, entitled "Revenue" and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section eighty-nine (89) of article one (1) of chapter seventy-seven (77) of the Compiled Statutes of Nebraska of 1887, entitled "Revenue" be amended to read as follows: Amendment to Sec. 89, Art. 1, Chap. 77, Comp. Stat.

Section 89. No demand for taxes shall be necessary, but it shall be the duty of every person subject to taxation under the laws of the state to attend at the treasurer's office at the county seat and pay his taxes; *Provided*, That in counties under township organization the town collector shall, as soon as he receives the tax book or books, call at least once on the person taxed at his place of residence or business if in town, city, or village, and shall demand payment of the taxes charged to him on his property. And if any person neglect so to attend and pay his personal taxes or shall neglect and refuse after being called upon by the town collector until after the first day of January next after such taxes become due, the treasurer, either by himself or deputy, or the sheriff of the county when directed by distress Taxes, how collected.

warrant issued by said treasurer to said sheriff, or the town collector, is directed to levy and collect the same, together with the penalty and costs of collection by distress and sale of personal property belonging to such person in the manner provided by law for the levy and sale on execution, and the treasurer and town collector shall be entitled to the same fees for their services as are allowed by law for selling property under execution; *Provided*, That in case no personal property of the delinquent can be found, it shall be the duty of the treasurer and town collector, when directed so to do, by order of the board of county commissioners or the board of supervisors, to commence suit by civil action in the district court of said county, in the same manner as other civil actions are commenced, and prosecute the same to judgment and collection, by attachment, execution or garnishment as the case may require, and that no property whatever shall be exempt from levy and sale under process issued on the judgment obtained in such action, and in case judgment shall be recovered, costs shall follow the judgment without regard to the amount of said judgment; *Provided, further*, That in case any person having personal property assessed and upon which the taxes are unpaid, shall, in the opinion of the treasurer and town collector be about to remove out of the county, or in any other manner seek to put his personal property out of the reach of the treasurer or collector, it shall be the duty of the treasurer and town collector to collect such taxes by dis-

treass or attachment as the case may require, at any time after the tax has become due. In case any person owing taxes remove, the treasurer and town collector shall, among other steps to collect such tax, forward when necessary, such tax claim to the treasurer or tax collector at the adopted residence or place of abode of such tax debtor, and such taxes shall be collected at the latter place, as other personal taxes by distress or civil action as the case may require, and return to the proper county, less such charges for collection as are herein before provided. And such treasurer or tax collector to whom such tax claim shall be so forwarded, is hereby authorized to commence and prosecute to judgment, such civil action as may be necessary in the district court of such county, in the name of the board of county commissioners or the board of county supervisors of the county from which such tax claim shall be forwarded, immediately upon receipt thereof by him, upon which judgment without regard to the amount thereof, the plaintiff shall recover costs and such judgment shall have the same effect as herein before provided when suit is brought in the county where such tax is levied.

SEC. 2. That said original section eighty-nine (89) of article one (1) of chapter seventy-seven (77) of the Compiled Statutes of Nebraska of 1887, entitled "Revenue," be and the same is hereby repealed.

Approved March 15th, 1889.

CHAPTER 74.

[House Roll No. 263.]

AN ACT to amend section twelve (12), of article one (1), of chapter two (2), of the Compiled Statutes of the state of Nebraska for 1887, entitled "Agriculture," and to repeal said section twelve (12), of article one (1), of chapter two (2).

Be it enacted by the Legislature of the State of Nebraska:

Amendment
to Sec. 12, Art.
1, Chap. 2,
Comp. Stat.

SECTION 1. That section twelve (12), of article one (1), of chapter two (2), of the Compiled Statutes of the state of Nebraska, entitled "Agriculture" be amended so as to read as follows:

County aid to
agricultural
societies.

Section 12. Whenever twenty (20) or more persons, residents of any county in this state, shall organize themselves into a society for the improvement of agriculture within said county and shall have adopted a constitution and by-laws agreeable to the rules and regulations furnished by the state board of agriculture, and shall have appointed the usual and proper officers, and when the said society shall have raised and paid into the treasury by voluntary subscription or by fees imposed upon its members, any sum of money in each year not less than fifty (\$50) dollars, and whenever the president of such society shall certify to the county clerk the amount thus paid, it shall be the duty of the county board of said county to order a warrant drawn on the general fund of said county in favor of the president of said society

for a sum equal to three cents on each inhabitant of said county, upon a basis of the last vote for member of Congress, allowing five inhabitants for each vote thus cast, and it shall be the duty of the county board of said county to include this three (3) cents per capita in their annual estimate, and it shall be the duty of the treasurer of the county to pay the same out of the general fund.

Provided, That if any existing county agricultural society fails or has failed for two years or more to hold an annual fair of at least three (3) days' duration, then any agricultural society in the county, formed for a similar purpose and governed by the rules of this chapter, and who shall hold an annual fair of at least three (3) days' duration, may apply for and shall receive from the county treasurer the amount above provided to be paid, to which amount they shall be entitled for so long a period as they may comply with the conditions of this act.

SEC. 2. That section twelve (12), of article Repealing clause. one (1), of chapter two (2), of the Compiled Statutes of 1887, as the same now exists, is hereby repealed.

SEC. 3. Whereas, an emergency exists, this Emergency clause. act shall take effect and be in force on and after its passage.

Approved March 26th, 1889.

CHAPTER 75.

[Senate File No. 88.]

AN ACT to tax sleeping cars and dining cars.

Be it enacted by the Legislature of the State of Nebraska:

Number of
sleeping and
dining cars to
be reported.

SECTION 1. It shall be the duty of all railroad companies within the state to report to the auditor of the state the number of sleeping cars and dining cars not owned by such corporations, but used by it in operating its railway in this state during each month in the year for which the return is made, and also the number of miles each month that such cars have been run or operated on such railways within this state, and the total number of miles that said cars have run and operated each month within and without the state, and the owner or owners of said cars.

Same, assessed
for taxation.

SEC. 2. The state board of equalization shall, at the time of the assessment of railway property for taxation, assess for taxation, against the owner or owners of said cars, the average number of said cars used by said railway corporations each month, and the assessed value of said cars shall bear the same proportion to the entire value thereof, that the monthly average number of miles that such cars have been run, or operated, within the state shall bear to the monthly average number of miles that said cars have been used or operated within and

without the state, such valuation shall be in the same ratio as that of the property of individuals.

SEC. 3. Whereas, an emergency exists, this Emergency clause. act shall take effect and be in force from and after its passage.

Approved March 23d, 1889.

CHAPTER 76.

[House Roll No. 64.]

AN ACT to provide for the equalization of assessments in cities of the second class under township organization.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That in all cities of the second class Board of equalization in cities. in the state in counties under township organization, and in counties that may become under such organization, the city council and supervisors of such cities shall constitute a board of equalization for such city, whose duty it shall be to meet and equalize the assessments of such city at the same time and in the same manner as now provided by law for townships in counties under township organization.

SEC. 2. Whereas, an emergency exists, this Emergency clause. act shall be in force from and after its passage.

Approved March 27th, 1889.

CHAPTER 77.

[Senate File No. 152]

AN ACT to provide for the collection of taxes in certain cases.

Be it enacted by the Legislature of the State of Nebraska:

Vacated town
sites, taxes.

SECTION 1. That whenever town sites have been located, surveyed and laid out in this state under any law of the state or the territory of Nebraska, or under any law of the United States, and such town site or any part thereof has been vacated or abandoned as such, all taxes levied on the lots or subdivision therein vacated may be liquidated by payment of the original amount of such taxes without interest or penalties.

Approved March 16th, 1889.

CHAPTER 78.

[House Roll No. 227.]

SCHOOLS.

- | | |
|---|---|
| Section. | Section. |
| 1. Formation of new districts. Amend Sec. 14, Sub. 1, Chap. 79, Comp. Stat. | 12. Annual Report. Amends Sec. 17, Sub. 4, Chap. 79, Comp. Stat. |
| 2. Annual meeting. Amends Sec. 1, Sub. 2, Chap. 79, Comp. Stat. | 13. Statement—Valuation—Taxes. Amends Sec. 19, Sub. 4, Chap. 79, Comp. Stat. |
| 3. Qualifications of voters. Amends Sec. 4, Sub. 2, Chap. 79, Comp. Stat. | 14. Report of taxes voted. Amends Sec. 2, Sub. 5, Chap. 79, Comp. Stat. |
| 4. Adjournment—Change of site. Amends Sec. 8, Sub. 2, Chap. 79, Comp. Stat. | 15. Vacancy, how filled. Amends Sec. 11, Sub. 5, Chap. 79, Comp. Stat. |
| 5. Site—Purchase—Lease—Tax. Amends Sec. 10, Sub. 2, Chap. 79, Comp. Stat. | 16. District board. Amends Sec. 1, Sub. 6 Chap. 79, Comp. Stat. |
| 6. Tax, how expended. Amends Sec. 13, Sub. 2, Chap. 79, Comp. Stat. | 17. Diploma—Certificates. Amends Sec. 10, Sub. 13, Chap. 79, Comp. Stat. |
| 7. Time school taught. Amends Sec. 14, Sub. 2, Chap. 79, Comp. Stat. | 18. Repealing clause. |
| 8. Sale of property. Amends Sec. 15, Sub. 2, Chap. 79, Comp. Stat. | 19. Levy of taxes for county purposes—rate. Amends Sec. 77, Art. 1, Chap. 77, Comp. Stat. |
| 9. Vacancy. Amends Sec. 9, Sub. 3, Chap. 79, Comp. Stat. | 20. Duties of city and village authorities. Amends Sec. 79, Art. 1, Chap. 77, Comp. Stat. |
| 10. Census. Amends Sec. 12, Sub. 4, Chap. 79, Comp. Stat. | 21. Emergency clause. |
| 11. Estimate of expenses. Amends Sec. 14, Sub. 4, Chap. 79, Comp. Stat. | |

AN ACT to amend section four (4), subdivision one (1), sections one (1), four (4), eight (8), ten (10), thirteen (13), four teen (14) and fifteen (15), subdivision two (2), section nine (9), subdivision three (3); sections twelve (12), fourteen (14), seventeen (17) and nineteen (19), subdivision four (4); sections two (2) and eleven (11), subdivision five (5); section one (1), subdivision six (6); section ten (10), subdivision thirteen (13), of chapter seventy-nine (79); and section seventy-seven (77) and seventy-nine (79), article one (1), chapter seventy-seven (77), of the Compiled Statutes of 1887, and to repeal said sections.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section four (4), subdivision one (1), be amended to read as follows:

Amendments
to Sec. 4, sub.
1, Chap. 79
Comp. Stat.

Formation of
new districts.

Section 4. New districts may be formed from other organized districts, and boundaries of existing districts may be changed under the following conditions only:

First. The county superintendent shall have discretionary power to create a new district from other organized districts, upon a petition signed by one-third ($\frac{1}{3}$) of the legal voters in each district affected.

Second. The county superintendent shall have discretionary power to change the boundary of any district upon petition signed by one-half ($\frac{1}{2}$) of the legal voters in each district affected.

Third. The county superintendent shall not refuse to change the boundary line of any district, or to organize a new district when he shall be asked to do so by a petition from each school district affected, signed by two-thirds ($\frac{2}{3}$) of all the legal voters in such district. A notice of said petition, containing an exact statement of what changes in district boundaries are proposed, and when the petition is to be presented to the county superintendent, shall be posted in three public places, one of which places shall be upon the outer door of the school house, if there be one, in each district affected, at least ten days prior to the time of presenting the petition to the county superintendent; *Provided*, That changes affecting cities shall be made upon the petition of the board of education of the district or districts affected.

Fourth. Two districts may be made from

one by the county superintendent upon a petition from each district proposed, signed by a majority of the voters in each district proposed. Two districts may be consolidated into one district upon petitions from each district, signed by two-thirds ($\frac{2}{3}$) of the legal voters in each district. One district may be discontinued and its territory attached to other adjoining districts upon petitions signed by one-half ($\frac{1}{2}$) of the legal voters in each district affected.

Fifth. A list or lists of all the legal voters in each district affected, made under the oath of a resident of each district affected, together with an oath of a resident of each district, that the legal notice provided in the third clause of this section has been properly posted, shall be given to the county superintendent when the petition is presented.

Sixth. No new districts shall be formed between the first Tuesday of April and the first day of October.

Seventh. No new district shall be formed containing less than four sections of land, nor shall any district be reduced by division or otherwise so as to contain less than that amount, unless the district be so formed, or the part of a district remaining after division shall have an assessed valuation of property of not less than twelve thousand dollars. No district shall be formed extending more than six miles in any one direction upon section lines; provided, that when streams or water-courses make it impracticable to form districts

containing four sections, then the county superintendent may form districts with less than four sections without regard to valuation. When streams of water make it impracticable for children to attend school in their own district, the county superintendent shall have authority, and it shall be his duty when requested by the parents of such children, to attach to adjoining districts such territory as he may deem necessary for the purpose of giving said children school privileges.

Eight.—The county superintendent shall file in his office all petitions that have been granted for change of boundaries or for the formation of new districts, and such petitions shall be *prima facie* evidence of the boundaries of districts; and all conflicting records of boundaries shall be made to correspond with the petitions so filed.

Amendments
to Sec. 1, Sub.
2, Chap. 79,
Comp. Stat.

SEC. 2.—That section one (1), subdivision two (2), be amended to read as follows:

Annual meet-
ing.

Section 1. The annual school meeting of each school district shall be held at the school house, if there be one, or at some other suitable place within the district, on the last Monday of June of each year. The officers elected as hereinafter provided, shall take possession of the office to which they have been elected upon the second Monday of July, and the school year shall commence with that day.

Amendments
to Sec. 4, Sub.
2, Chap. 79,
Comp. Stat.

SEC. 3. That section four (4), subdivision two (2), be amended to read as follows:

Qualifications
of voters.

Section 4. Every person, male or female, who has resided in the district forty days and

is twenty-one years old, and who owns real property in the district or personal property that was assessed in the district in his or her name at the last annual assessment; or who has children of school age residing in the district, shall be entitled to vote at any district meeting.

SEC. 4. That section eight (8), subdivision two (2), be amended to read as follows: Amendments to Sec. 8, Sub. 2, Chap. 79, Comp. Stat.

Section 8. The qualified voters in the school district, when lawfully assembled, shall have power to adjourn from time to time as may be necessary, to designate a site for a school house by a vote of two-thirds ($\frac{2}{3}$) of those present, and to change the same by a similar vote at any annual meeting. Adjournment. Change of site.

Provided, That in any school district where the school house is located three-fourths ($\frac{3}{4}$) of one (1) mile or more from the center of such district, such school house site may be changed to a point nearer the geographical center of the district by a majority vote of those present at any such school meeting.

SEC. 5. That section ten (10), subdivision two (2), be amended to read as follows: Amendments to Sec. 10, Sub. 2, Chap. 79, Comp. Stat.

Section 10. The said qualified voters shall also have power at any annual or special meeting to direct the purchasing or leasing of any appropriate site, and the building, hiring, or purchasing of a school house, and the amount necessary to be expended the succeeding year, and to vote a tax on the property of the district for the payment of the same. Not to conflict with section two (2). Site, purchase lease, tax

Amendments
to Sec. 13, Sub.
2, Chap. 79,
Comp. Stat.

Tax, how
expended.

SEC. 6. That section thirteen (13), subdivision two (2), be amended to read as follows:

Section 13. The tax levied and collected as provided by the preceding section, shall be expended under the direction of the district made at the annual meeting, or in absence of such direction, then such tax shall be expended as the district board of the district may direct. Money remaining in the treasury after the purpose for which it was raised has been accomplished and after all debts for which the fund is liable have been discharged, may be transferred to any other fund of the district, at any district meeting.

Amendments
to Sec. 14, Sub.
2, Chap. 79,
Comp. Stat.

Time school
taught.

SEC. 7. That section fourteen (14), subdivision two (2), be amended to read as follows:

Section 14. They may also determine at each annual meeting the length of time a school shall be taught in the district the ensuing year, which, to entitle the district to any portion of the state fund, shall not be less than three months by a legally qualified teacher in the district which has less than thirty-five pupils, nor less than six months in districts that have between thirty-five and one hundred pupils, inclusive, nor less than nine months in districts where there are more than one hundred pupils; and whether the money apportioned or voted for the support of the school therein shall be applied to the winter or summer term or a certain portion to each. *Provided*, That in case of epidemic sickness prevailing to such an extent that the school board in any district may deem it expedient to

close any or all schools within their district, or if, on account of the destruction of the school house, it shall be impossible to continue the school, such closing of schools shall not prevent any district from drawing its proper share of the state apportionment. Such sickness or destruction of school house shall be sworn to by the district board, which oath shall be filed with the county superintendent within ten days after the annual school meeting.

SEC. 8. That section fifteen (15), subdivision two (2), be amended to read as follows:

Amendments
to Sec. 15, Sub.
2, Chap. 79,
Comp. Stat.

Section 15. Said qualified voters shall also, at any annual or special meeting, authorize and direct by a two-thirds vote the sale of any school house, site, building or other property belonging to the district when the same shall no longer be needed for the use of the district; and when real estate is sold, the district may convey the same by deed, signed by the moderator of the district, and such deed, when acknowledged by such officer to be the act of the district, may be recorded in the office of the recorder of deeds of the county in which the real estate is situated in like manner as other deeds.

Sale of prop-
erty.

SEC. 9. That section nine (9), subdivision three (3), be amended to read as follows:

Amendments
to Sec. 9, Sub.
3, Chap. 79,
Comp. Stat.

Section 9. District officers appointed to fill vacancies shall hold their office until the beginning of the next school year. Officers elected at a special meeting shall serve for the re-

Vacancy.

mainder of the unexpired term and until their successors are elected and qualified.

Amendments
to Sec. 12, Sub.
4, Chap. 79,
Comp. Stat.

SEC. 10. That section twelve (12), subdivision four (4) be amended to read as follows:

Census.

Section 12. Within ten days previous to the annual district meeting, the director shall take the census of his district and make a list in writing of the names of all the children belonging thereto, between the ages of five and twenty-one years, together with the names of all the taxpayers in the district. In case of the absence or inability of the director, such census shall be taken by the moderator or treasurer, or such person as they may appoint, and a copy of such list verified by the oath of the person taking such census, by affidavit appended to or endorsed thereon, setting forth that it is a correct list of the names of all children belonging to the district between the ages of five and twenty-one years, and that it was taken within ten days preceding the annual meeting, shall be returned with the annual report of the director to the county superintendent;

Provided, That in cities of the first and second classes thirty (30) days shall be allowed for taking said census. Said census to be completed before July first.

Amendments
to Sec. 14, Sub.
4, Chap. 79,
Comp. Stat.

SEC. 11. That section fourteen (14), subdivision four (4), be amended to read as follows:

Estimate of ex-
penses, state-
ment of orders.

Section 14. He shall present at each annual meeting an itemized estimate of the amounts necessary to be expended during the ensuing year for school purposes, and for the payment of the services of any school district officer;

but no tax for these purposes shall be voted at any special meeting. He shall also present to the annual meeting a statement of all orders drawn on the county treasurer, and the amount of each and of all orders on the district treasurer, and the amount of each for what purpose and to whom given. Before adjournment of each annual meeting, the director shall read the minutes of the meeting and have the same corrected and approved by a majority vote of said meeting.

SEC. 12. That section seventeen (17), subdivision four (4), be amended to read as follows:

Amendments
to Sec. 17, Sub.
4, Chap. 79,
Comp. Stat.
Annual report.

Section 17. The director shall, within ten days after the annual district meeting, deliver to the county superintendent, to be filed in his office a report under oath showing the whole number of children belonging to the district between the ages of five and twenty-one years according to the census taken aforesaid; and any district board neglecting to take the enumeration and make return of the same, shall be liable to said district for all school moneys which such district may lose by such neglect.

Within ten days after the annual district meeting, the director shall report to the county superintendent, to be filed in his office, a report under oath, showing:

First—The number attending school during the year under five, and also the number over twenty-one years of age.

Second—The whole number that have attended school during the year.

Third—The whole number in the district be-

tween the ages of eight and fourteen years, inclusive.

Fourth—The whole number in the district between the ages of eight and fourteen years, inclusive, that have attended school not less than twelve weeks during the school year.

Fifth—The length of time the school has been taught during the year by a qualified teacher, the length of time taught by each teacher, and the wages paid to each.

Sixth—The total number of days all scholars between the ages of five and twenty-one years have attended school during the year.

Seventh—The amount of money received from the county treasurer during the year, and the mount of money expended by the district during the year.

Eighth. The number of mills levied for all school purposes.

Ninth. The kind of books used in the school.

Tenth. Number of children to whom text books are furnished, and kind of books.

Eleventh. The amount of bonded indebtedness.

Twelfth. Such other facts and statistics as the superintendent shall direct.

Amendments
to Sec. 19, Sub.
4, Chap. 79,
Comp. Stat.

SEC. 13. That section nineteen (19), subdivision four (4), be amended to read as follows:

Statement,
valuation,
taxes.

Section 19. It shall be the duty of the director to furnish, for the use of the annual meeting of each year, a statement of the aggregate assessed valuation of all property in

the district, and the amount of taxes, as near as may be, that will be collected for the use of the district.

SEC. 14. That section two (2), subdivision five (5), be amended to read as follows: Amendment to Sec. 2, Sub. 5, Chap. 79, Comp. Stat.

Section 2. Immediately after the annual district meeting, and not later than the first Monday in July, said board shall make and deliver to the county superintendent, and also to the county clerk of each county, in which any part of the district is situated reports in writing, under their hands, of all taxes voted by the district during the current school year, to be levied on the taxable property of the district, and to be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; and when collected to be paid over to the treasurer of the proper district on the order of the director, countersigned by the moderator of said district. It shall be the duty of the county clerk to levy such taxes, if voted according to law. Report of taxes voted.

SEC. 15. That section eleven (11), subdivision five (5), be amended to read as follows. Amendments to Sec. 11, Sub. 5, Chap. 79, Comp. Stat.

Section 11. The said board shall have power to fill by appointment any vacancy that may occur in their number, and it shall be their duty to fill such vacancy after its occurrence; *Provided*, That in case said board shall, from any cause, fail to fill such vacancy, the same may be filled by election at a special school district meeting called for that purpose, by the qualified voters present, which meeting shall be Vacancy, how filled.

called in the same manner and be subjected to the same regulations as other special school district meetings.

Amendments
to Sec. 1, Sub.
6, Chap. 79,
Comp. Stat.
District
board.

SEC. 16. That section one (1), subdivision six (6), be amended to read as follows:

Section 1. Any district containing more than one hundred and fifty (150) children, between the ages of five (5) and twenty-one (21) years, may elect a district board consisting of six trustees; *Provided*, The district shall so determine at an annual meeting by a vote of a majority of the voters attending such meetings. When such change in the district board shall have been voted the voters at such annual meeting shall proceed immediately to elect two trustees for the term of one year, two for the term of two years, and two for the term of three years, and annually thereafter two trustees shall be elected, whose term of office shall be three years, and until their successors shall have been elected and qualified.

Amendments
to Sec. 10, Sub.
13, Chap. 79,
Comp. Stat.
Diplomas,
certificates.

SEC. 17. Section ten (10), subdivision thirteen (13), be amended to read as follows:

Section 10. Any student having completed the common school course shall be entitled to a certificate, good for two years, in any part of the state; any student completing the higher course of study in a satisfactory manner, shall be entitled to a diploma, which diploma will entitle the holder to teach in any of the schools of the state without further examination for the space of three years. Any graduate of the higher course who shall, after graduation, teach two annual terms of school of

not less than six months each, or their equivalent, and shall produce a certificate of good moral conduct, and satisfactory discharge of professional duties from the board or boards of directors of the district or districts in which the applicant taught, countersigned by the county superintendent of the proper county or counties, shall be entitled to receive an additional diploma, good for life;

Provided, That any teacher producing satisfactory proof of three years successful teaching previous to graduation in the higher course of study may receive upon graduation, diploma, good for life;

Provided, That no life diploma shall be in force after its holder shall permit a space of three years to lapse without following some educational pursuit unless said diploma be endorsed by the acting state superintendent.

Provided, That each holder of a certificate from the common school course, or a diploma from the higher course, shall, before he begins to teach, register the same in the office of the county superintendent of the county in which he shall teach; and for such registration he shall pay a fee of one dollar, which shall go into the institute fund of said county.

SEC. 18. Section 11. That section four (4), ^{Repealing clause,} of subdivision one (1); sections one (1), four (4), eight (8), ten (10), thirteen (13), fourteen (14), fifteen (15), of subdivision two (2); section nine (9), of subdivision three (3); sections twelve (12), fourteen (14), seventeen (17), nineteen (19), of subdivision four; sections two (2), eleven

(11), of subdivision five; section one (1), of subdivision six (6); section ten (10), of subdivision thirteen (13), of chapter 79, of the Compiled Statutes of Nebraska, 1887, and all acts and parts of acts inconsistent herewith are hereby repealed.

Amendments
to Sec. 77, Art.
1, Chap. 77,
Comp. Stat.

SEC. 19. Section 12. Section seventy-seven (77), of article one (1), chapter seventy-seven (77), Compiled Statutes, shall be amended to read as follows:

Levy of taxes
for county pur-
poses, rate.

Section 77. On the last day of sitting as a board of equalization the county board shall levy the necessary taxes for the current year, including all county, township, city, school district, precinct, village and other taxes required by law to be certified to the county clerk and levied by the county board; *Provided*, that school district taxes voted at the school district's annual meeting and certified to the county clerk, on or before the first Monday in July, shall be levied by said county clerk when such levy is within the limits of the law. The rate of tax for county purposes shall not exceed one dollar and fifty cents on the one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of the present constitution, unless authorized by a vote of the people of the county, and shall be as follows:

In counties under township organization, for ordinary county revenue, including the support of the poor, not more than nine mills on the dollar valuation; for roads, not more than five mills on the dollar valuation; for county bridge fund, not more than four mills on the dollar

valuation; for county sinking fund, not more than four mills on the dollar valuation, and labor tax as provided in the following section.

In counties not under township organization, for ordinary county revenue (including the support of the poor) not more than nine mills on the dollar valuation; for roads, not more than five mills on the dollar valuation; for county bridge fund, not more than four mills on the dollar valuation; for county sinking fund, not more than three mills on the dollar valuation, and labor tax as provided in the following section.

SEC. 20. Section 13. Section seventy-nine (79), of article one (1), chapter seventy-seven (77), Compiled Statutes, 1837, shall be amended to read as follows: Amendments to Sec. 79, Art. 1, Chap. 77, Comp. Stat.

The proper authorities of cities, villages, townships and districts, authorized by law to vote bonds or assess taxes (except cities of the first class), shall annually, on or before the first Monday in June, certify to the county clerk the several amounts which they severally require to be raised by taxation, including all amounts due upon legal and valid bonds outstanding against such corporation; *Provided*, That school district taxes shall be certified to the county clerk on or before the first Monday in July. Duties of city and village authorities.

SEC. 21. Section 14. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage. Emergency clause.

Approved March 29th, 1889.

CHAPTER 79.

[House Roll No. 257.]

AN ACT to amend section two (2) of subdivision five (5), of chapter seventy-nine (79); and section one (1) of subdivision two (2) of chapter seventy-nine (79), and section seventy (70) of article one (1) of chapter seventy-seven (77), of the Compiled Statutes of the state of Nebraska, as said sections are now in force and existence, and to repeal said original sections.

Be it enacted by the Legislature of the State of Nebraska:

Amendments
to Sec. 2, Sub.
5, Chap. 79,
Comp. Stat.

SECTION 1. That section two (2) of subdivision five (5) of chapter seventy-nine (79) of the Compiled Statutes of the state of Nebraska, as the section is now in force and existence, be and the same hereby is amended so as to read as follows:

Report of
taxes voted.

Section 2. Immediately after the annual district meeting, and not later than the last Monday in June, said board shall make and deliver to the county superintendent and also to the county clerk of each county in which any part of the district is situated, reports in writing, under their hands, of all taxes voted by the district during the current school year, to be levied on the taxable property of the district, and to be collected by the county treasurer and township treasurer at the same time and in the same manner as state and county taxes are collected; and when collected to be paid over to the treasurer of the proper district on the order of the director, countersigned by the moderator of said district.

SEC. 2. That section one (1), of subdivision two (2) of chapter seventy-nine (79) of the Compiled statutes of Nebraska for 1887, be amended so as to read as follows:

Amendments
to Sec. 1. Sub.
2, Chap. 79,
Comp. Stat.

Section 1. The annual school meeting of each school district shall be held at the school house, if there be one, or at some other suitable place within the district on the last Monday in June of each year. The officers elected as hereinafter provided shall take possession of the office to which they have been elected upon the second Monday of July following, and the school year shall commence with that day.

Annual meet-
ings.

SEC. 3. That section seventy (70) of article one (1), chapter seventy-seven (77), Compiled Statutes of 1887, be amended so as to read as follows:

Amendments
to Sec. 70,
Art. 1. Chap.
77, Comp.
Stat.

Section 70. The county board shall hold a session of not less than three (3) nor more than thirty (30) days, for the purpose contemplated in this section, commencing on the first Tuesday after the second Monday in June annually (after the return of the assessment books) and shall,

Equalization
of assess-
ments.

First. Assess all such lands and lots as have been listed by the county clerk and not assessed by the assessor. Said board may make such alterations in the description of real property as it shall deem necessary.

Second. On the application of any person considering himself aggrieved or who shall complain that the property of another is assessed too low, they shall review the assess-

ment and correct the same as shall appear to be just. No complaint that another is assessed too low shall be acted upon until the person assessed, or his agent, shall be notified of such complaint, if a resident of the county; *Provided*, That in the counties under township organization shall have been made to the town board of equalization, and been rejected by them.

Third. It shall ascertain whether the valuation in one township, precinct or district bear just relation to all townships, precincts or districts in the country; and may increase or diminish the aggregate valuation of property in any township, precinct or district, by adding or deducting such sum upon the hundred as may be necessary to produce a just relation between all the valuations of property in the county, but shall in no instance reduce the aggregate valuation of all the townships, precincts or districts below the aggregate valuation thereof, as made by the assessors; neither shall it increase the aggregate valuation of all townships, precincts or districts, except in such amount as may be actually necessary and incidental to a proper and just equalization. It may consider lands, village or city lots, and personal property (except property assessed and valued by the state board of equalization) separately, and determine a separate rate per cent. of addition or reduction for each of said classes of property, as may be necessary to a just equalization thereof.

SEC. 4. That section two (2), subdivision five Repealing clause. (5) of chapter seventy-nine (79), and section one (1), of subdivision two (2), of chapter seventy-nine (79), and section seventy (70), of article one (1), chapter seventy-seven (77) of the Compiled Statutes of 1887, as now existing, and all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 5. Whereas, an emergency exists this Emergency clause. act shall take effect and be in force from and after its passage and approval.

Approved March 28th, 1889.

CHAPTER 80.

[Senate File No. 81.]

AN ACT to amend section thirty (30), of chapter eighty (80), of the Compiled Statutes of the state of Nebraska, entitled "School Lands and Funds," and to repeal said section thirty (30).

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section thirty (30), of chapter eighty (80), of the Compiled Statutes of Amendments to Sec. 30, Chap. 80, Comp. Stat. Nebraska, entitled "School Lands and Funds," be and the same is hereby amended to read as follows:

School lands sold under the provisions of this Sec. 30, Taxation. act, or such as have been heretofore sold, shall not be taxed until the right to a deed shall have become absolute, except for the value of the interest of such purchaser, which interest shall be determined by the amount paid, and

the amount invested in improvements on such land. *Provided*, That when such land shall be situated within the limits of any city or village, and shall have been subdivided into lots, then, and in such case, the same shall be subject to all special assessments for sidewalk, grading, paving guttering, curbing, sewerage, and all other municipal improvements, in the same manner as other lots and lands in such city or village, except that a sale of such school lots to collect such assesment or assessments shall only pass the interest or title of the purchaser from the state his heirs or assigns, and his or their right to a conveyance of the same, upon the payment of any balance of the purchase price and interest.

Repealing
clause.

SEC. 2. Section thirty (30), of chapter eighty (80), of the Compiled Statutes, entitled "School Lands and Funds," is hereby repealed.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 81.

[House Roll No. 71.]

AN ACT to amend section nineteen (19) of subdivision seventeen (17) of chapter seventy-nine (79) of the Compiled Statutes of 1887, entitled "Schools," and to repeal said section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section nineteen (19) of subdivision seventeen (17) of chapter seventy-nine (79) of the Compiled Statutes of 1887, entitled "Schools," be amended to read as follows:

That all accounts shall be audited by the secretary, approved by a committee to be styled the committee on claims, and no expenditure greater than two hundred (\$200) dollars shall be voted by the board, except in accordance with the provisions of a written contract; nor shall any money be appropriated out of the school fund except on a recorded affirmative vote of a majority of all the members of the board, and said accounts and the records of said board in all metropolitan cities shall at all times be subject to the inspection and examination of the comptroller of such city, whose duty it shall be each month to examine said records and check said accounts, and from time to time, as may be required by ordinance or resolution of the city council, report to said council the nature and state of said accounts,

Amendments
to Sec 19,
Sub. 17, Chap.
79, Comp,
Stat.

Accounts,
money, when
appropriated

and any facts that may be required concerning said records.

Repealing
clause.

SEC. 2. That section nineteen (19) of subdivision seventeen (17) of chapter seventy-nine (79), of the Compiled Statutes of 1887, be and the same is hereby repealed.

Approved March 29th, 1889.

CHAPTER 82.

[House Roll No. 9.]

AN ACT to amend sections two (2), four (4), five (5), six (6) and eight (8), of article three (3), chapter fifty-two (52), of the laws of 1887, approved March 24th, 1887, entitled "An act to regulate the practice of pharmacy and the sale of poisons in the state of Nebraska."

Be it enacted by the Legislature of the State of Nebraska:

Amendments
to Sections 2,
4, 5, 6 and 8,
Chap. 52.
Laws of 1887.

SECTION 1. That sections two (2), four (4), five (5), six (6) and eight (8) of article three (3), chapter fifty-two (52) of the laws of 1887, be amended so as to read as follows:

Organization
of Board.

SEC. 2. The said board of examiners shall within thirty (30) days after its appointment meet and organize by the election of a president, secretary, and treasurer from its own members, who shall be elected for the term of one year and serve until their successors are elected and qualified, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such per-

Duties.

sons as may be entitled to the same under the provisions of this act; to investigate complaints when properly presented and to cause the prosecution of all persons violating its provisions; to report annually to the governor and to the Nebraska state pharmaceutical association upon the condition of pharmacy in the state, which said report shall also furnish a record of the proceedings of the said board for the year and also the names of all pharmacists registered under this act. The board ^{Meetings.} shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties at least four times a year; said meetings to be held on the second Wednesday in February, May, August, and November in each year; and shall make by-laws for the proper fulfillment of its duties; and shall keep a book of registration in which shall be entered the ^{Registration.} names and places of business of all persons registered under this act, which book shall also specify such facts as said persons shall claim to justify their registration. The record of said board, or a copy of any part thereof, certified by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of the state. Three members of said board shall constitute a ^{Quorum.} quorum. The president of said board of examiners shall retire from the said board each year and cease to be a member of the said board of examiners at the expiration of his term of office. The Nebraska state pharmaceu-

tical association shall annually select three pharmacists from which number the Nebraska state board of pharmacy shall select one to fill vacancy occurring each year.

Licentiate defined.

SEC. 4. No person other than a licentiate in pharmacy shall be entitled to registration as a pharmacist, except as provided in section three (3). Licentiate in pharmacy in the meaning of this act shall be such persons not less than eighteen years of age, who shall have had not less than three years practical experience in pharmacy, and who shall have passed a satisfactory examination touching their competency before the board of examiners. Every such person shall, before examination is granted, furnish satisfactory evidence that they are of temperate habits and pay to the board a fee of five dollars; *Provided*, That in case of the failure of any applicant to pass a satisfactory examination, the money shall be held to his credit for a second examination at any time within a year. The said board may grant certificates of registration without further examination to the licentiate of such other boards of pharmacy and graduates of such colleges of pharmacy as it may deem proper upon the payment of a fee of five dollars (\$5.00), which shall be good only until the first regular meeting of the board thereafter. Licentiate in pharmacy shall, at the time of passing their examination, be registered by the secretary of the state board of examiners, as registered pharmacists.

Fee.

Registered assistants.

SEC. 5. Assistants who have held a certifi-

cate of registration in this state for two consecutive years, may, upon application to the board of examiners, be granted a certificate as a registered pharmacist by paying a fee of three dollars; *Provided*, That the applicant has been continually in the practice of pharmacy for two years next succeeding his registration as an assistant.

SEC. 6. Every registered pharmacist who Renewal of registration. desires to continue the practice of his profession shall, annually after the expiration of the first year of his registration, during the time he shall continue in such practice, on or before the 24th day of March of each year, pay to the said board a registration fee of two (\$2) dollars, for which he shall receive a renewal of said registration. Every person receiving a certificate under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist shall, after changing his place of business or employment as designated by his certificate, notify the secretary of the board of his new place of business. If any pharmacist shall fail or neglect to procure his annual registration or comply with the other provisions of this section, his right to act as such pharmacist shall cease at the expiration of ten days from the time of notice of such failure to comply with the provisions of this section shall have been mailed to him by the secretary of said board, and such pharmacist shall be barred from the practice of pharmacy until he shall have made application and passed the examin-

ation provided for in section four (4) of this act.

Each pharmacy shall have registered pharmacist or assistant in charge.

SEC. 8. Any proprietor of a pharmacy, who, not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself or any person permit the compounding or dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business, except by or in the presence of, or in and under the supervision of a registered pharmacist; or any person not being a registered pharmacist who shall take charge of or act as manager of such pharmacy or store, or who, not being a registered pharmacist, shall retail, compound or dispense drugs, poisons or medicines of any kind, or any person violating any provisions of this act to which no other penalty is herein attached, shall be deemed guilty of a misdemeanor and for every such offense, and upon conviction thereof shall be punished by a fine of not less than (\$10) dollars, nor more than one hundred (\$100) dollars, or shall be imprisoned not less than ten (10) days nor more than ninety (90) days; *Provided*, That nothing in this act shall be construed so as to prohibit a registered pharmacist from taking an apprentice to learn the business of pharmacy.

Penalty.

Repealing clause.

SEC. 2. That said sections two (2), four (4), five (5), six (6) and eight (8), of article three (3), chapter fifty-two (52), Laws of 1887, as now existing, be and the same are hereby repealed.

SEC. 3. Whereas, there being an emergency, ^{Emergency.} this act shall take effect and be in force from and after its passage.

Approved February 13th, 1889.

CHAPTER 83.

[House Roll No. 229.]

AN ACT legalizing the Nebraska Dairymen's Association, and to define certain duties of said association, and to make an annual appropriation therefor, and fixing a penalty for the misappropriation of any of the money thereby granted.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the regularly organized and ^{Dairymen's association, legalized.} incorporated society, known as the Nebraska Dairymen's Association, whose articles of incorporation are recorded in the office of Secretary of State, be, and the same is hereby legalized as a state institution.

SEC. 2. The Nebraska Dairymen's Association shall hold a convention annually on the third Tuesday in December, at such place in the state as the board of managers may select, for the purpose of gathering statistics and diffusing practical knowledge on subjects pertaining to the dairy interests of the state, by addresses, papers, discussions and such other means as the board of managers may direct. ^{Same. Annual meetings.}

SEC. 3. The secretary of said association ^{Secretary, report.} shall preserve all papers read and take a stenographic report of all addresses and discussions

at said annual convention, and shall make a report of the same to the Governor, together with a full report of all business transacted, including an itemized statement of all expenditures of money, and shall publish in pamphlet form not less than two thousand (2,000) copies of said report, which shall be distributed according to the laws governing the distribution of the reports of the state board of agriculture.

Appropriation.

SEC. 4. The sum of one thousand (\$1,000) dollars is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated for the use and benefit of said association, and the state auditor is hereby authorized to draw his warrant for the same upon presentation of proper vouchers therefor certified to by the president and secretary of said association, said amount to be used only for defraying the expenses incurred in holding conventions and in publishing and distributing reports and such other purposes as in the discretion of the board of managers shall best subserve the dairy interests of the state.

Embezzlement.

SEC. 5. If any officer or member of said association shall convert any of the moneys hereby appropriated to his own use or suffer the same to be lost or expended in any other way or manner or for any other purpose than is designated by law, such officer or member shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one or more than three years.

Approved March 26th, 1889.

CHAPTER 84.

[House Roll No. 48.]

AN ACT to appoint the "Commissioner of Public Lands and Buildings" of Nebraska a custodian in the state of Nebraska to receive from the surveyor general for the state of Nebraska or other authorities of the United States, all field notes, maps, charts, records, and all other papers appertaining to the land titles within the state of Nebraska, including all surveys made under and by the authority of the United States, of all lands within the state of Nebraska, and to authorize and require such custodian to receive the same and provide for their safe keeping and care.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the commissioner of public lands and buildings of Nebraska be and he is hereby made, appointed and constituted as a custodian within and for the said state of Nebraska to receive from the surveyor general of the United States for the state of Nebraska or from any other authorized officer or agent of the United States having the care, custody and keeping of the same, all the field notes, maps, charts, records, and all other papers appertaining or in any manner connected to or with the land titles within the state of Nebraska, including all surveys of lands within the state made under or by authority of the United States.

Field notes,
custodian.

SEC. 2. That the commissioner of public lands and buildings of the state of Nebraska be and he is hereby authorized, empowered and

Same.

required as such custodian to receive from the surveyor general of the United States or from any authorized agent or officer of the United States, having the care, and custody of the same all field notes, maps, charts, records and all other papers appertaining in any manner to the titles of lands within the state of Nebraska, including all surveys of lands within the state of Nebraska made under the authority of the United States.

Same.

SEC. 3. The commissioner of public lands and buildings of the state of Nebraska as such custodian shall provide for and safely keep in his office all the surveys, field notes, maps, charts, records and all other papers mentioned in section one of this act, the same as other public records are kept in his office.

Free access.

SEC. 4. That the commissioner of the general land office or any surveyor general or deputy surveyor general or any agent or authority of the United States, or any county surveyor of the state of Nebraska, shall at all times have free access to the surveys, field notes, maps, charts, records, and other papers as provided for in this act. The reception and safe keeping of which is herein provided for, and which shall be received from the United States under the authority of any act of the congress of the United States.

SEC. 5. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 2d, 1889.

CHAPTER 85.

[Senate File No. 230.]

AN ACT to amend section one (1), of chapter eighty-two a (82a) of the Compiled Statutes of Nebraska, and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section one (1), of chapter ^{Amendment to Sec. 1, Chap. 82a, Comp. Stat.} eighty-two a (82a), of the Compiled Statutes of Nebraska, be amended to read as follows:

Section 1. [*Establishment.*]^{Soldiers' home.}—That there shall be established and maintained by the state of Nebraska an institution to be known as the Nebraska Soldiers' and Sailors' Home, the object of which shall be to provide homes and subsistence to honorably discharged ex-soldiers, sailors and marines, and also hospital nurses who served in the United States army or navy or entered such hospitals from this state, or ^{Qualification for admission.} who shall at the time of the application for admission to such home, have been an actual *bona fide* resident of this state for two years next preceding such application, and who have become disabled by reason of such service, old age, or other causes, from earning a livelihood, and who would be dependent on public or private charities; and also wives of such soldiers ^{Widows and children.} and sailors and their children under the age of fifteen (15) years, and the widows of soldiers, sailors and marines, who died while in the service of the United States, and the widows and

children under fifteen (15) years, of such soldiers, sailors or marines who were honorably discharged from such service, and have since died; and also the children under the age of fifteen (15) years of any such hospital nurse. *Provided*, That such widow or children shall have been *bona fide* residents of this state for two (2) years preceding admission to such home, and are unable to earn a livelihood and are dependent upon public or private charities; *Provided, further*, That all applications for admission to said home, shall be made to the county board of the county in which the applicant resides, and it shall be, and is hereby made the duty of any county board in this state to whom such application shall be made, to inquire into the condition of such applicant and if upon such inquiry it be found that the applicant is unable by reason of disability, to earn a livelihood for him or herself, or his or her children under the age of fifteen (15) years, and are dependent upon public or private charity for their maintenance, then the county board shall at once forward the application, together with their finding in regard to the condition of such applicant (or his or her family, if any), under their seal, to the legally authorized board of such home, whose duty it now is or hereafter may be, to receive and act upon applications for admission thereto; also, *Provided, further*, That all applications made to the county board as provided for in this section shall contain the statement that said application is the free and voluntary act of

Applications
for admission.

said applicant, which application shall be forwarded to the board of such home.

SEC. 2. Section one (1), of chapter eighty-two *a* (82*a*), of the Compiled Statutes of Nebraska, is hereby repealed. Repealing clause.

SEC. 3. An emergency existing therefor, this act shall be in force from and after its passage. Emergency clause.

Approved March 23d, 1889.

CHAPTER 86.

Senate File No. 89.]

AN ACT to amend sections eleven (11), and twelve (12), of chapter forty eight (48), of the Compiled Statutes of Nebraska of 1887, entitled "Legislature," and to repeal said sections as now existing.

Be it enacted by the Legislature of the State of Nebraska.

SECTION 1. That sections eleven (11) and twelve (12), of chapter forty-eight (48), of the Compiled Statutes of Nebraska, of 1887, entitled "Legislature," be and the same are hereby amended so as to read as follows: Amendments to Sections 11 and 12, Chap. 48, Comp. Stat.

Section 11. That the officers and employees of the senate shall consist of a president, secretary, assistant secretary, sergeant at arms, doorkeeper, enrolling clerk, engrossing clerk, chaplain and such other officers, and employees not to exceed sixty-six in number, as may be deemed necessary for the proper transaction of business, such other officers or employees to be elected by the senate. Officers and employees of senate.

Officers and
employes of
house.

Section 12. The officers and employes of the house of representatives shall consist of a speaker, chief clerk, assistant clerk, sergeant-at-arms, doorkeeper, enrolling clerk, engrossing clerk, chaplain, and such other officers and employees not exceeding seventy-five (75) in number, as may be deemed necessary for the proper transaction of business. Such other officers or employees to be elected by the house.

Repealing
clause.

SEC. 2. That sections eleven (11) and twelve (12), of chapter forty-eight (48), as now existing, be and the same are hereby repealed.

Approved March 23d, 1889.

CHAPTER 87.

[House Roll No. 157.]

AN ACT authorizing the board of public lands and buildings to improve and beautify the capitol grounds, to employ a landscape gardner to care for said grounds, and appropriating money therefor.

Be it enacted by the Legislature of the State of Nebraska:

Landscape
gardner.

SECTION 1. That the board of public lands is hereby authorized and directed to proceed as soon as convenient after the taking effect of this act, to employ a competent landscape gardner and have the present capitol grounds beautified and improved under his superintendence and direction. The board shall purchase such trees, shrubbery and other necessary articles, and shall have a complete water service properly placed in said grounds.

SEC. 2. For the purpose of carrying into Appropriation. effect the purposes of this act, the sum of five thousand (\$5,000) dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the treasury not otherwise appropriated.

SEC. 3. Whereas, an emergency exists, this Emergency clause. act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 88.

[House Roll No. 238.]

AN ACT to authorize townships to purchase toll bridges and to issue their bonds to pay for the same.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. Whenever any private bridge Township may purchase toll bridge. owned by any person or corporation shall be situate within or shall be constructed across any river bounding any township, such township may purchase such bridge, and thereupon it shall become a public bridge, and be maintained in the same manner as bridges originally built by such township.

SEC. 2. No such bridge shall be purchased, Same, lack of funds. unless sufficient funds are in the treasury, except as hereinafter provided.

SEC. 3. If there shall not be sufficient funds Same, may issue bonds. in such township treasury to purchase said proposed bridge, the said town may borrow money

and issue its bonds therefor, when authorized, in the manner hereinafter provided.

Proposition to
sell, submit to
voters.

SEC. 4. Whenever the owners of any such bridge shall submit to the town board of such township a proposition to sell such bridge, the town board may submit to the voters of such township a proposition to issue the bonds of such township for the purpose of purchasing such bridge in accordance with such offer.

Amount,
interest.

SEC. 5. Such proposition shall state the amount of said bonds, the date when they shall mature, and the rate of interest which they bear, which in no case shall exceed eight per cent. per annum.

Notice of
election.

SEC. 6. The notice for said election and manner of holding the same, shall be governed by the law regulating elections for voting bonds by a county.

Two-third
vote.

SEC. 7. If two-thirds of the votes cast at such election shall be in favor of the proposition, the town board shall cause to be prepared and issued the bonds, in accordance with the proposition submitted. Said bonds shall be signed by the supervisor, the town clerk, and attested by the clerk of the county under its seal.

Bond, state-
ment.

SEC. 8. Said bonds shall state for what purpose issued, the amount and when payable, interest and when payable, and the number of each bond.

Record, coun-
ty clerk.

SEC. 9. The proposition to issue said bonds, the notice of said election, canvass of vote, shall be recorded in the office of the county clerk, and the county clerk shall enter upon

the records of the county board the number, amount, and interest, and date at which each bond issued shall become payable, and the county clerk shall cause such bonds to be registered in the office of the secretary of state and state auditor, as required by law.

SEC. 10. The county board shall each year, ^{Tax levy.} until the bonds voted under the authority of this act be paid, levy upon the taxable property in the township a tax sufficient to pay the interest and five per cent. of the principal of bonds issued under this act, and at the tax levy preceding the maturity of any of said bonds, levy an amount sufficient to pay the principal and interest due on said bonds.

SEC. 11. No bonds shall be issued under this ^{Bond limit.} act to an amount exceeding ten per cent. of the assessed value of the taxable property at the last assessment within such township.

SEC. 12. Whereas, an emergency exists, this ^{Emergency clause.} act shall be in force and take effect from and after its passage.

Approved March 30th, 1889.

CHAPTER 89.

[Senate File No. 192.]

AN ACT to amend section ninety-four (94) of chapter sixteen (16) of the Compiled Statutes, entitled "Corporations," and to repeal said original section.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section ninety-four (94) of ^{Amendment to Sec. 94, Chap. 16, Comp. Stat.} chapter sixteen (16) of the Compiled Statutes

of Nebraska, entitled "Corporations," shall be amended to read as follows:

Aiding other
railroads, leasing.

Section 94. Any railroad company heretofore or hereafter incorporated may, at any time, by means of subscription to the capital stock of any other company or otherwise, aid such company in the construction of its railroad for the purpose of forming a connection of said last mentioned road with the road owned by the company furnishing such aid; or any railroad company existing in pursuance of law, may lease or purchase any part of or all of any railroad constructed or to be constructed by any other company, if said company's lines of railroad constructed or to be constructed are continuous or connected as aforesaid, upon such terms and conditions as may be agreed on between said companies respectively; or any two or more railroad companies whose lines are so connected, may enter into an agreement for their common benefit, consistent with and calculated to promote the objects for which they are created; *Provided*, That no such aid shall be furnished, nor any purchase, lease or arrangement perfected, until a meeting of the stockholders of each of said companies shall have been called by the directors thereof, at such time and place and in manner as they shall designate, and the holders of at least two-thirds of the stock of such company, represented at such meeting, either in person or by proxy, and voting thereat, shall have assented thereto.

Repealing
clause.

SEC. 2. That said original section ninety-

four (94), herein amended, and all other acts and parts of acts inconsistent with this act be and are hereby repealed.

Approved March 28th, 1889.

CHAPTER 90.

[Senate File No. 51.]

AN ACT to amend section fifteen (15) of chapter thirty-four (34) of the Compiled Statutes of Nebraska, entitled "Guardians and Wards," and to repeal said section fifteen (15).

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section fifteen (15) of chapter thirty-four (34) of the Compiled Statutes of Nebraska, entitled "Guardians and Wards," be amended so as to read as follows:

Section 15. If after a full hearing and examination, upon any such application, it shall appear to the court that the person in question is incapable of taking care of him or her self and managing his or her property, he shall appoint a guardian of his or her person and estate, with the powers and duties hereinafter specified; *provided*, that when a person has been declared insane by the commission of insanity, and no one applies to have a guardian appointed for such person for thirty days thereafter, it shall be the duty of the clerk of the district court to make application to the county court of such county, to appoint a guardian for such persons.

Amendment to
Sec. 15, Chap.
34, Comp.
Stat.

Guardian of
insane person,
how appointed.

Repealing
clause.

SEC. 2. Section fifteen (15) chapter thirty-four (34) of the Compiled Statutes of Nebraska, as the same now exists is hereby repealed.

Approved March 30th, 1889.

CHAPTER 91.

[House Roll No. 49.]

AN ACT, to prevent persons from unlawfully using or wearing the insignia or rosette of the military order of the loyal legion of the United States.

Be it enacted by the Legislature of the State of Nebraska:

Rosette, loyal,
legion, pen-
alty.

SECTION 1. Any person who shall willfully wear the insignia or rosette of the military order of the loyal legion of the United States, or use the same to obtain aid or assistance within this state unless he shall be entitled to use or wear the same under the constitution and by laws, rules and regulations of the military order of the loyal legion of the United States, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for a term not exceeding thirty days or a fine not to exceed twenty (\$20) dollars, or by such fine or imprisonment.

Approved March 12th, 1889.

CHAPTER 92.

Senate File No. 21.]

AN ACT providing for a holiday to be known as "Labor Day."

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. The first Monday in the month ^{Labor day.} of September in each year shall hereafter be known as "Labor Day" and shall be deemed a public holiday in like manner and to the same extent as the holidays provided for in section eight (8) of chapter forty-one (41) of the Compiled Statutes of 1887.

Approved March 29th, 1889.

CHAPTER 93.

[House Roll No. 172.]

AN ACT, to exempt pensioners, disabled soldiers and invalids from paying a poll tax or working on the public highways in this state.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That all pensioners of the United ^{Pensioners, exempt.} States shall be exempt from paying a poll tax or performing labor on any highway in this state.

Approved March 29th, 1889.

CHAPTER 94.

[House Roll No. 269.]

AN ACT to provide for the leasing of the saline lands belonging to the state of Nebraska.

Be it enacted by the Legislature of the State of Nebraska:

Saline lands to be leased.

SECTION 1. That the board of public lands and buildings shall cause all the saline lands of which the title is now vested in the state, "except that leased to the Nebraska Stock Yards Association," be offered for lease; *Provided*, That the lands now leased to the Nebraska Stock Yards Association shall, upon the termination of said lease or leases, be subject to all the conditions of this act.

Abstracts.

SEC. 2. The commissioner of public lands and buildings shall cause suitable abstracts to be made, showing the section, town and range and appraised value.

Same, duty or Commissioner.

SEC. 3. When the abstracts are made as shown in section two (2), the commissioner of public lands and buildings shall cause a copy of said abstracts to be sent to the county commissioners of the county in which the land is situated and shall instruct them to appraise

Appraisement.

the said lands at their true value for leasing and separately appraise any and all improvements thereon, and make returns of the same to him, under oath; *Provided*, That the lands shall be appraised in forty acre tracts or government subdivisions.

SEC. 4. After the said appraisement shall Notice, offered for lease. have been made and returned, as provided in section three (3), the commissioner of public lands and buildings shall cause notice to be given for thirty (30) days in two newspapers of general circulation in the county, that the lands will be offered for lease at public bidding, stating the day and hour of the commencement of such public offering, and he shall continue from day to day until all of the said lands have been offered; *Provided*, That persons bidding off lands do not enter into lease for the same immediately, they will be again offered for lease before the public offering is closed.

SEC. 5. All leases shall be made at a rental of Leases, rental, improvements. six per cent. on the appraised value, payable annually in advance. And in addition thereto the lessee shall pay the appraised value of the improvements on said land, which amount shall be immediately paid to the owner or owners of said improvements. Applications for the lease of any such lands not leased at public offering may be made at any time to the commissioner of public lands and buildings; *Provided*, That if there be two or more persons wishing to lease the same land, the said commissioner shall auction off and lease the land to the per- Auction. son who, in addition to the six per cent. rental, will pay the highest cash bonus for the lease. Each lease shall contain a covenant or contract that the land contained in such lease may be appraised every five years, also that at the expiration of twenty (20) years the lessee shall deliver up the state the said lands.

Rental funds,
how invested.

SEC. 6. The board of public lands and buildings shall, as soon as sufficient amount of interest or rental accumulates in the treasurer's hands, invest the same in registered school district or registered municipal bonds, and the treasurer shall hold the same as a permanent saline fund.

Forfeiture.

SEC. 7. If the lessee defaults in the payment of his interest or rental for more than one (1) year, the commissioner of public lands and buildings may cause notice to be given and forfeiture ensue as provided in section sixteen (16), chapter eighty (80), Compiled Statutes of 1887. And when so forfeited it shall again be offered for lease after having again been advertised as provided in section four (4) of this act.

Approved April 5th, 1899.

CHAPTER 95.

[Senate File No. 157.]

AN ACT requiring officers of the executive department and of all the public institutions of the state when making their report to the governor as required by section twenty-two (22), article five (5) of the constitution to include therein a schedule of all the personal property in such institutions or under their control belonging to the state, giving the condition thereof, and to account for the loss or disposition of any such property since their last report or since the last report of their predecessors in office, and to repeal any act or parts of acts inconsistent with the provisions of this act.

Be it enacted by the Legislature of the State of Nebraska:

Official reports,
personal prop-
erty.

SECTION 1. That it shall be the duty of all officers of the executive department and of all

the public institutions of the state when making the report to the governor required by section twenty-two (22) of article five (5) of the constitution, to include in such report a schedule of all personal property in such public institutions or under their control belonging to the state, and the condition thereof, and to account in said report for all such personal property belonging to the state as aforesaid, as may have been destroyed or in any manner disposed of, whether by natural wear and tear or otherwise, since the date of the last report made by such officers or their predecessors in office to the governor as required by said section twenty-two (22) of article five (5) of the constitution.

SEC. 2. Any officer specified herein who makes a false report shall be guilty of perjury and punished accordingly. False report, perjury.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

Approved March 30th, 1889.

CHAPTER 96.

[House Roll No. 57.]

AN ACT to provide for the erection of one (1) work-shop, one (1) kitchen, dining hall and chapel combined, and one (1) boiler house with smoke stack, and the necessary furnishing and equipping thereof at the Nebraska state industrial school for juvenile offenders, at Kearney, and appropriating money for the same,

Be it enacted by the Legislature of the State of Nebraska:

Appropriation
for industrial
school.

SECTION 1. That the sum of fifty thousand (\$50,000) dollars be and the same is hereby appropriated out of the state general fund for the purpose of erecting on the grounds of the state industrial school one (1) three (3) story brick work-shop with stone basement, one (1) boiler house and smoke stack, and such boilers, steam pipe and fittings as may be necessary to put the steam plant in good working condition; also for furnishing and equipping all of said buildings.

Shall advertise
for bids.

SEC. 2. Immediately after the taking effect of this act, it shall be the duty of the board of public lands and buildings to advertise in one newspaper in each of the cities of Kearney, Lincoln and Omaha for thirty days for bids for the erection of said buildings in accordance with the plans and specifications now on file in the office of the commissioner of public lands and buildings, and prepared under the advice and instruction of the board of public lands and buildings.

SEC. 3. Upon the day specified in said advertisement, it shall be the duty of said board to open and examine all such bids, and award such contracts to the lowest and most reasonable bidders; *Provided*, That in no case shall such bids exceed the amount limited in section one of this act. The board shall reserve the right to reject any and all bids, and in case all bids are rejected, said board shall continue to advertise as provided by section two (2) of this act; each bid shall be accompanied by a good and sufficient bond of one thousand (\$1,000) dollars, for the faithful performance of said proposition.

Award of contract.

Bond.

SEC. 4. Before entering upon his contract, the contractor shall be required to execute a good and sufficient bond, to be approved by the board in the sum of thirty-five thousand (\$35,000) dollars, for the faithful performance of said contract. Said contractor shall receive eighty-five (85) per cent of the contract price of said building on monthly estimates made by the superintendent of construction during the erection of said buildings, and the balance shall be paid when said buildings are completed and accepted by said board of public lands and buildings.

Contractor's bond.

SEC. 5. Immediately upon the awarding of the contract the board shall appoint a competent and practical builder as superintendent of construction, whose duty it shall be to see that the plans and specifications are faithfully carried out by the contractor, and it is hereby made the duty of said superintendent to see

Superintendent of construction.

that the proper material is used in the construction of said buildings, and that all work is done in a skillful and workmanlike manner.

Duty of superintendent of school.

SEC. 6. The superintendent of the industrial school is hereby authorized to act with said board in all matters pertaining to the arrangement and location of said buildings, and, conjointly with the superintendent of construction, see that the work is faithfully performed during the absence of the board.

Warrants when drawn.

SEC. 7. The auditor of public accounts is hereby authorized to draw his warrant on the state treasurer for any amount not exceeding that specified in section one (1) of this act, on the fund specified, whenever the proper vouchers, approved by the board of public lands and buildings, are presented to him for payment; *Provided*, That one-seventh of a mill tax upon the valuation of all taxable property of the state is hereby authorized to be levied for the years 1889 and 1890, for the purpose of raising the money hereby appropriated, and the money thus raised and paid into the state treasury shall be by the treasurer transferred to the general fund.

Levy.

Approved March 26th, 1889.

CHAPTER 97.

[House Roll No. 231.]

AN ACT to provide for the erection of additional buildings at the Nebraska Industrial Home, and making appropriations therefor.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the sum of thirty-one thousand (\$31,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of the state general fund for the purpose of erecting the south wing of the Nebraska Industrial Home at Milford, Nebraska, and completing, furnishing, heating and lighting the same, and also for erecting a barn and stable on the grounds of said industrial home.

Appropriation
for industrial
home.

SEC. 2. Immediately after the taking effect of this act, it shall be the duty of the board of public lands and buildings to advertise in one newspaper in Milford, Lincoln and Omaha for fifteen days for bids for the erection of said buildings in accordance with plans and specifications to be filed in the office of the commissioner of public lands and buildings and approved by said board.

Advertise for
bids.

SEC. 3. Upon the day specified in said advertisement, it shall be the duty of said board to open and examine all such bids, and award such contract to the lowest trustworthy and responsible bidder; the board reserving the right to reject any and all bids, and require good

Award of con-
tract.

and sufficient bonds for the faithful performance and completion of all work contemplated in this act, according to the full intent and meaning of the plans and specifications, and that all bills for work done, and material furnished shall be paid for.

Superintendent of construction,

SEC. 4. A competent superintendent shall be appointed by the board of public lands and buildings, whose duty it shall be to see that the material used in the construction of, and the work done upon said buildings, shall in all respects conform to the plans and specifications, and it shall be the further duty of the superintendent to make and return to the board monthly estimates of the work done, which estimates shall be sworn to. The superintendent shall be allowed a sum not to exceed four dollars (\$4.) per day for each day actually employed;

Provided, That in no case shall the expenditures contemplated in this act exceed the sum of thirty-one thousand (\$31,000) dollars.

Warrants, when drawn,

SEC. 5. All moneys appropriated under this act shall be expended under the direction of the board of public lands and buildings and the auditor of public accounts is hereby authorized and required upon presentation of proper vouchers to draw his warrant on the state treasurer for the amount due.

Approved March 21st, 1839.

CHAPTER 98.

[House Roll No. 441.]

AN ACT to provide for the erection of a building to be used for a boiler house, engine room, electric light plant and work shop, and for a building to be used for a gymnasium and library building for the State Normal School at Peru, Nebraska, and to appropriate money to pay for the same.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the sum of seven thousand (\$7,000) dollars, or as much thereof as may be necessary, is hereby appropriated out of the state general fund for the purpose of erecting and finishing one building at Peru for a boiler house, engine room, electric light plant and work shop, for the State Normal School.

Appropriation
for state normal school at
Peru.

SEC. 2. That the sum of six thousand (\$6,000) dollars is hereby appropriated out of the state general fund for the purpose of erecting and finishing of a wooden building, not less than sixty (60) feet from main building, for a gymnasium and library room for the use of the students and teachers of the State Normal School at Peru, Nebraska.

Same, gymnasium
library.

SEC. 3. Immediately on taking effect of this act it shall be the duty of the board of public lands and buildings to advertise for bids for fifteen (15) days for erecting and finishing said buildings in accordance with plans and specifications adopted and approved by the said board.

Advertise for
bids.

Award of contract.

SEC. 4. Said board shall open bids and award said contract to the lowest responsible and competent bidder, the board reserving the right to reject any and all bids. And it shall be the duty of said board to take a good and sufficient bond from said contractor to erect and finish said buildings according to plans, specifications and details, and pay for all labor and all materials used in their construction.

Limit of expenditures.

SEC. 5. That in no case shall the expenditures contemplated in this act exceed the sum of thirteen thousand (\$13,000) dollars.

Warrants, when drawn.

SEC. 6. All moneys appropriated under this act shall be expended under the direction of the state board, and the auditor of public accounts is hereby authorized and required, upon presentation of proper vouchers, to draw his warrant on the state treasurer for the amounts due under the contract.

Approved March 21st, 1889.

CHAPTER 99.

[House Bill No. 22.]

AN ACT to appropriate the matriculation and diploma fees, constituting a "library fund" for the university of Nebraska, for the use and support of the library of the university.

Be it enacted by the Legislature of the State of Nebraska:

Appropriation for state university, library fund.

SECTION 1. That the sum of one thousand nine hundred and fifty (\$1,950) dollars matriculation and diploma fees now accumulated and

in the hands of the treasurer of the state of Nebraska, and belonging to the "library fund" of the university of Nebraska, together with such other sum or sums as may be paid into the hands of the said treasurer prior to March 31st, A. D. 1891, as fees belonging to the said "library fund," be, and the same are hereby appropriated for the purchase of books for the use of the library of the university of Nebraska.

SEC. 2. That for the disbursement of the ^{Same, dis-} moneys hereby appropriated the board of regents of the university of Nebraska shall issue certificates signed by its president and secretary, in the manner provided by the act of the legislature of the state of Nebraska approved February 23rd, 1875, and upon the presentation of such certificates the auditor of public accounts is hereby authorized and required to draw and issue his warrant upon the state treasurer for the amount specified in such certificates and in favor of the party therein named; *Provided*, that no warrant shall issue under this act unless there are funds in the hands of the treasurer to pay the same.

SEC. 3. Whereas, an emergency exists, there- ^{Emergency} fore, this act shall take effect and be in force ^{clause.} from and after its passage and approval according to law.

Approved March 14th, 1889.

CHAPTER 100.

[House Roll No. 203.]

AN ACT to appropriate the matriculation fees constituting a library fund for the use and support of the library of the State Normal School.

Be it enacted by the Legislature of the State of Nebraska:

Appropriation
for library,
state normal
school,

SECTION 1. That the sum of two thousand, eight hundred and seventy-four dollars and thirty-two cents (\$2,874.32), now in the hands of the treasurer and belonging to the library fund of the State Normal School, together with such other sums as may be paid into the treasury prior to March 31st, A. D. 1891, as matriculation fees, belonging to said library fund, be and the same are hereby appropriated for the purchase of books for the use of the library of the State Normal School.

Disbursement.

SEC. 2. The moneys hereby appropriated shall be expended by the board of education of the State Normal School, as provided by law.

Emergency.

SEC. 3. Whereas, an emergency exists; this act shall be in force from and after its passage.

Approved March 14th, 1889.

CHAPTER 101.

[House Roll No. 379.]

AN ACT to provide for the erection of a boiler and engine house, and the purchase of boilers, engines dynamos pumps, fittings and repairs, for the Nebraska hospital for the insane at Lincoln, and appropriating money for the same.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the sum of twenty-three thousand (\$23,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of the state general fund for the purpose of erecting a boiler and engine house for the Nebraska hospital for the insane at Lincoln, and for the purchase of boilers, engines, dynamos, pumps, fittings and repairs necessary for putting the same in running order.

SEC. 2. An emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved March 27th, 1889.

CHAPTER 102.

[House Roll No. 35.]

AN ACT authorizing the state treasurer to transfer one hundred and twenty-nine thousand, six hundred and ninety-three one-hundredths (\$129,693.23-100) dollars from the insane hospital fund to the state general fund.

Be it enacted by the Legislature of the State of Nebraska:

Transfer of
funds, author-
ized.

SECTION 1. That the state treasurer be, and he is hereby authorized and directed to transfer from the insane hospital fund to the state general fund the sum of one hundred and twenty-nine thousand, six hundred and ninety-three one-hundredths (\$129,693.32-100) dollars.

Emergency
clause.

SEC. 2. That whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Approved March 21st, 1889.

CHAPTER 103.

[House Roll No. 100.]

AN ACT to provide for the payment of incidental expenses incurred during the twenty-first session of the Legislature.

Be it enacted by the Legislature of the State of Nebraska:

Appropriation
incidental
expenses.

SECTION 1. That the sum of eighty thousand (\$80,000) dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund of the state treasury out of any mon-

ey not otherwise appropriated, for the payment of incidental expenses of both houses of the legislature, including printing, stationery, newspapers, postage, fuel, lights and other special expenses which may be incurred by either house.

SEC. 2. All accounts for any expenses contracted by either house shall be examined by the standing committee of accounts, and expenditures of the house to which such expense is chargeable, and certified by the chairman of said committee to the auditor of public accounts as being correct. Each account must be verified by the presiding officers of the respective houses as being contracted in conformity with a resolution duly offered and adopted, and upon the examination and adjustment thereof by the said auditor and approval thereof by the secretary of state, the auditor of public accounts is hereby authorized and directed to draw his warrant for the amount so certified upon the general fund of the state.

Accounts must
be certified.

Approved.

SEC. 3. There being an emergency for the taking effect of this act, the same shall take effect and be in force from and after its passage.

Emergency
clause.

Approved January 19th, 1889.

CHAPTER 104.

[House Roll No. 101.]

AN ACT to provide for the payment of officers, members and employes of the twenty-first session of the legislature.

Be it enacted by the Legislature of the State of Nebraska :

Appropriation,
members and
employes.

SECTION 1. That there is hereby appropriated out of any money in the general fund of the treasury, not otherwise appropriated, the sum of one hundred thousand (\$100,000) dollars, or so much thereof as may be necessary for the payment of officers, members and employes of the twenty-first session of the legislature.

Warrant
authorized.

SEC. 2. The auditor of public accounts is hereby authorized and required upon presentation of the certificate of the lieutenant governor, or speaker of the house of representatives, stating that the party mentioned in said certificate is entitled to compensation as per diem and mileage to the amount allowed by law to draw his warrant on the general fund for the amount so certified as due.

Provided, That said amount as certified shall, after examination and adjustment by the auditor of public accounts and approval thereof by the secretary of state, be found to be correct.

Emergency
clause.

SEC. 3. Whereas an emergency exists for the taking effect of this act in that there is a public necessity for the payment of the persons named in section one (1) of this act, therefore

this act shall take effect and be in force from and after its passage.

Approved January 19th, 1889.

CHAPTER 105.

[House Roll No. 483.]

AN ACT making anpropriations for the current expenses of the state government for the years ending March 31st, 1890, and March 31st, 1891, and to pay miscellaneous items of indebtedness owing by the state of Nebraska.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the following sums of money, ^{Appropriation for current expenses and miscellaneous.} or so much thereof as may be necessary, are hereby appropriated out of any moneys in the treasury not otherwise appropriated for the payment of the current expenses of the state government for the years ending March 31st, 1890, and March 31st, 1891, and to pay miscellaneous items of indebtedness owing by the state of Nebraska:

Provided; That all sums appropriated for the insane, and insane asylums shall be paid out of the Insane hospital fund, until such fund is exhausted.

GOVERNOR.

Postage.....	\$ 400
Books, blanks, and printing.....	600
Stationery	400
Telegraph, telephone, express	400
Furniture and repairs.....	200

GENERAL LAWS.

House rent	2,000
Contingent fund	5,000

ADJUTANT GENERAL.

Books, blanks, stationery, and postage.	\$ 300
Storage of arms and ammunition.....	100
Express, freight, telegraph and telephone.	200
Support of Nebraska National Guard...	20,100

Limit of
expenditure.

Provided, That the amount herein appropriated shall be in lieu of any and all appropriations heretofore made out of the state treasury for the support of the Nebraska National Guards, and the expenditures therefor shall not exceed the amount herein appropriated.

COMMISSIONER OF LABOR.

Postage.....	\$ 300
Books, blanks, and printing.....	1,000
Traveling expenses.....	1,000
Telegraph, telephone, and express.....	200
Contingent expenses	200

SECRETARY OF STATE.

Postage... ..	\$ 700
Lithographing	250
Preparing session laws for printer, copying, indexing and proof-reading.....	300
Shipping laws and journals	250
Repairs..... ..	50
Express, freight, telegraph and telephone	300
Stationery, books, printing and binding.	1,000

AUDITOR OF PUBLIC ACCOUNTS.

Stationery	\$ 800
Books, blanks and printing	1,000

Postage	1,500
Furniture and repairs.....	300
Express, telegraph and telephone	300
Traveling expenses.....	200
Sundry office expenses.....	100

TREASURER.

Stationery, books and blanks.....\$	200
Postage, express, telegraph and ex- change	250
One steel chest and repairs.....	1,000
Telephone	150

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Attending institutes.....\$	600
Sending out blanks.....	1,200
Records for school districts.....	3,000
Publishing school laws.....	1,000
Traveling expenses.....	300
Blanks for district reports.....	1,000
Expenses of state board examiners.....	200
Printing and stationery.....	400
Letter-books and binding.....	75
Express, telephone and boxes.....	300
Postage and postal expenses.....	400
Shelving, vault and cases.....	200
Incidental and office expenses.....	100

ATTORNEY-GENERAL.

Office expenses.....	100
Court and officers' fees.....	200
Counsel and expenses supreme court, U. S.....	500
Stationery and postage.....	300
Printing briefs, supreme court.....	500
Traveling expenses.....	600

COMMISSIONER OF PUBLIC LANDS AND BUILDINGS.

Books and stationery.....	\$ 600
Furniture and carpets.....	300
Postage and postal expenses.....	800
Express and telegraph.....	200
Telephone.....	150
Sundry office expenses.....	100
Traveling expenses.....	1,200

BOARD OF PUBLIC LANDS AND BUILDINGS.

Fuel and lights for Capitol.....	\$ 8,000
Traveling expenses.....	500
Stationery, books and blanks.....	300
Repairs to public buildings in case of damage	3,000
Paving around Capitol grounds.....	24,000
Employes, wages for Capitol.....	11,609
Water supply.....	800
For moving boilers, attachments and boiler and engine house.....	15,000

BOARD OF EDUCATIONAL LANDS AND FUNDS.

For appraising school lands and neces- sary expenses incidental to apprais- ment, advertising, sale and lease of the common school, agricultural college, university and saline lands of the state.....	\$ 8,000
School land expense deficiency	2,326
Serving notices on delinquents and ad- vertising forfeitures	3,000

BOARD OF PURCHASE AND SUPPLIES.

Advertising	\$ 200
Stationery	100

SUPREME COURT.

Bailiffs	\$ 2,000
Court calendars	300
Stationery	300
Books and blanks.....	300
Postage and telegraph.....	300
Office expenses.....	100
Volumes 25, 26, 27, 28, 29, and 30 re- ports.....	12,500
Copyright four volumes reports.....	10
Second edition volumes 16, 17, 18 and 19 reports.....	2,600
Furnishing new court room.....	2,500
Judges' stonographic assistants.....	6,000

STATE LIBRARY.

Books, blanks and stationery.....	\$ 200
Express and freight.....	600
Postage and telephone.....	300
Binding	600
Packing and shipping.....	600
Shelving and furnishing new rooms.....	7,500

The amount of money derived from the sale of supreme court reports under section twenty (20), chapter nineteen (19), Compiled Statutes, and paid into the state treasury, is hereby appropriated for the purpose of purchasing books for the state library in accordance with said section.

NORMAL SCHOOL.

Fuel and lights.....	\$ 4,000
Apparatus and laboratory.....	1,500
Repairs and care of grounds.....	1,000

GENERAL LAWS.

Printing and stationery.....	700
Postage and postal expenses.....	200
Furniture and cases.....	1,200
Expenses of board.....	1,000
Lecture expenses.....	200
Incidentals.....	500

PENITENTIARY.

380 prisoners for year ending March	
31st, 1890, at 40 cents.....	\$ 55,480
410 prisoners for year ending March	
31st, 1891, at 40 cents.....	59,860
Repairs and maintaining electric bell	
system.....	30
Telephone on speaking tube lines.....	40
Telephone in Warden's office.....	168
Expenses delivering convicts to sheriffs	
upon mandate of supreme court.....	200
Stationery, records and printing.....	300
Furniture and repairs.....	300
Photographing convicts.....	250
General repairs and sewerage.....	15,000

HOSPITAL FOR INSANE (LINCOLN).

Employes' wages.....	\$40,000
Board and clothing.....	65,000
Fuel and lights.....	16,000
Furniture and bedding.....	4,000
Drugs, books and instruments.....	3,000
Incidentals.....	4,000
Expenses returning patients.....	1,000
Amusements.....	1,600
Paints and oils.....	2,000
Stationery, postage, and printing.....	600

Farm improvements and implements...	600
Telegraph and telephone.....	500
Freight and express.....	500
General repairs and improvements.....	5,000
Green-house.....	2,000
Water pipes, hydrants, hose and cart...	4,500
Changing heating apparatus.....	4,500

HOSPITAL FOR INSANE (NORFOLK).

Employes' wages.....	\$30,000
Board and clothing.....	40,000
Fuel and lights.....	16,000
Drugs, instruments and apparatus.....	1,000
Furniture and bedding.....	7,250
Carpets and curtains.....	500
Music and amusements.....	1,000
Books, stationery and pictures	500
Repairs and improvements.....	1,000
Paints and oils....	650
Telephone, telegraph and postage.....	600
Expenses returning patients.....	1,000
Incidentals	500
Vehicles and farming implements.....	500
Twenty-five milch cows and one bull...	750
Four horses.....	600
Grading, fencing and landscape garden- ing.....	1,000
Barns and ice houses	1,500
New machinery.....	500
Additional water supply and tanks.....	3,500

ASYLUM FOR INSANE (HASTINGS).

Employes' wages.....	\$20,000
Board and clothing.....	25,000

GENERAL LAWS.

Fuel and lights.....	10,000
Drugs, instruments and stationery,....	1,500
Repairs and improvements.....	1,000
Furniture and bedding.....	7,000
Music and amusements.....	1,500
Library.....	1,000
Paints and oils.....	500
Horses, harness and vehicles.	1,000
Incidentals.....	1,000
For building boiler house, smoke-stack and removing boilers from under the main building.....	12,000
Electric light plant.....	4,000
Barn.....	1,000
Water supply.....	3,000

INDUSTRIAL SCHOOL.

Employes' wages.....	\$15,180
Living Expenses.....	36,208
Clothing, bedding and furniture.....	15,500
Medical attendance, medicine, paints and oils.....	3,000
Telegraph, telephone, freight, fugitive railroad and livery expenses.....	1,500
School and library supplies, stationery and postage.....	1,200
Incidental expenses.....	350
Fuel and lights.....	16,000
Repairs and improvements.....	2,500
Music and amusements.....	800
Grading, paving, sewerage and farm ex- penses.....	5,000
Fire protection and extension of water supply.....	5,340

INSTITUTE FOR BLIND.

Living expenses, fuel, lights and employes' wages.....	\$17,000
Books, music and apparatus.....	1,200
Furniture, clothing and bedding	800
Shops and laundry machinery	600
Completing and furnishing new building and repairs and improvements.....	10,000

INSTITUTE FOR DEAF AND DUMB.

Employes' wages.....	\$ 7,300
Living expenses.....	15,000
Fuel and lights.....	8,000
Repairs, postage, clothing, school books, stationery, apparatus and feed.....	7,000
Library and museum.....	600
Improvement on grounds.....	1,000
Incidentals	500
Telephone	150
Telephone to connect buildings.....	300
Engine and shafting.....	800
Furniture	1,500
Inside blinds	1,500

HOME FOR THE FRIENDLESS.

Employes' wages	\$ 9,000
Living expenses, drugs and feed for stock,	7,500
Fuel and lights.....	4,000
Clothing, bedding and furniture.....	2,000
Repairs and improvements.....	1,000
Stationery, printing, books, telegraph, telephone, postage and incidentals....	1,000

GENERAL LAWS.

Gas and water connection and water supply.....	500
New boilers.....	1,000

INDUSTRIAL HOME.

Board and clothing....	\$ 4,000
Employes' wages.....	2,000
Fuel and lights.....	2,000
Drugs, stationery, postage, printing, telephone and incidentals.....	1,000
Transportation of patients, officers and members of board of trustees.....	300
Grading and building walks.....	150
Two new wagons.....	150
Two mules and one horse.....	425
Five cows.....	125
Two sets of harness.....	60
Furniture, tools, crockery, lamps, chandelier, table linen, bedding, curtains, carpet and kitchen furniture.....	2,500

SOLDIERS' AND SAILORS' HOME.

Employes wages	\$ 9,740
Maintenance and clothing.....	30,000
Fuel and lights.....	8,000
Drugs, instruments and stationery.....	1,000
Stock, implements and teams.....	1,500
Repairs and improvements.....	500
Furniture and bedding	\$ 4,000
Library.....	500
Ice house and cellar.....	500
Boiler, engine and laundry houses and machinery	5,000
Paints, oils and brushes	150

Sewerage	2,500
Stand pipe	2,500
Telephone and express	300
Office supplies	450
Grading on east line of section	300
Item for hospital at soldiers' home	7,500
Fifteen (15) cottages at five hundred (\$500) dollars each to be erected and furnished according to plans, specifications and details adopted by the board of public lands and buildings	7,500
Elevator	1,000

INSTITUTE FOR FEEBLE MINDED.

Payable from Institute for Feeble Minded Fund:

Maintenance and employes' wages	\$40,000
Furniture and bedding	2,000
Fuel and lights	7,000
Farm supplies and vehicles	500
Office supplies	500
School supplies	1,000
Library and periodicals	300
Amusements	350
Medicines	600
Repairs and improvements	1,000
Incidentals	500
Tools	100
Cows	175
Horses	350
Laundry apparatus	700
Cooking apparatus	1,200
Paints and oils	400
Improvements of grounds	200
Ice house	200

GENERAL LAWS.

Water supply.....	3,000
For constructing boiler house, brick smoke stack and kitchen, and furni- ture.....	10,000

STATE BOARD OF TRANSPORTATION.

Postage, telephone, telegraph and ex- press.....	\$ 400
Stationery and printing, including re- ports of 1889 and 1890.....	2,500
Traveling expenses.....	750
Furniture and carpets.....	400
Officer's fees in service of process.....	100

FISH COMMISSION.

Necessary labor.....	2,000
New apparatus and repairs to old.....	1,000
Building and repairing ponds.....	800
Keeping team, fish feed and bridge toll,	800
Procuring fish, fish eggs, hatching and planting fish, transportation, express charges and freight.....	4,000
Printing, stationery, postage and tele- phone	500
Expenses of board.....	1,000
New hatching house.....	1,500
Building car for transporting fish.....	2,000

STATE UNIVERSITY.

Payable from the Temporary University Fund:	
Fifty per cent of cost of paving streets about the university grounds.....	\$8,700
Current and incidental expenses.....	7,500

Fuel, gas, and water.....	8,000
Printing, postage and stationery.....	2,500
Labor and repairs.....	1,500
Library, books.....	3,000
Departmental expenses.....	5,000
Furniture and apparatus.....	4,000
Student manual labor.....	2,000
Grading and laying stone walks and curbs about the campus.....	1,500
Boiler house and stacks complete.....	12,000
Steam heating, two new buildings and remodeling and removing plant.....	15,000
Equipment of gymnasim and interior finish.....	1,000
Interior finish and equipment of chemi- cal laboratory building.....	3,000
Equipment department of physics.....	3,000
For interior finish Grant Memorial Hall.	2,000

MISCELLANEOUS.

To pay premiums and cancel in- surance policies on public build- ings, or so much thereof as may be necessary.....	\$ 330
Revenue books and blanks.....	9,000
Abstracts of lands from U. S. land office, including def.....	3,500
Fugitives from justice, arrest and return, rewards offered, officers' fees, and mileage conveying convicts to penitentiary and juvenile offenders to the re- form school.....	30,000

County treasurers' fees and mileage collecting state moneys, including deficiency		125,000
Prosecuting unauthorized insurance companies or their agents,		500
Advertising proposals for state printing		500
Laws, Journals and other printing required under contract..		18,000
Support of state board of agriculture	\$2,000	4,000
Support of state horticultural society	2,000	4,000
Support of state horticultural society	500	1,000
For support of Nebraska dairyman's association	1,000	2,000
State taxes erroneously paid on school lands		1,000
Refunding state taxes illegally levied		5,000
Edwin F. Warren, attorney fees,		100
Fitting up vaults in capitol, (M. R. Davey)		3,289
Storm sewer tax, 1888, city of Lincoln		201
Presidential electors—actual expenses		172
Insane hospital (Norfolk), fire escape		3,000
Asylum for insane (Hastings), fire escape		3,000
Institute for feeble minded, (Beatrice), fire escape		2,000

Institute for the blind (Nebraska City), fire escape.....	2,000
Institute for deaf and dumb (Omaha), fire escape.....	1,000
E. H. Salsbury, repaing boiler house, feeble minded institute at Beatrice.....	50.44
Soldiers and sailors' home (Grand Island), fire escape....	2,000
Hon. Church Howe, additional salary as president of the senate, 19th session.....	120
Bounty on wild animals, including claims outstanding.....	10,000
Office expenses bank department	1,500
For deficiency legislative expenses.....	.....
Payment members and employes	10,000
For office expense, commission labor.....	300
Repair and preservation of capitol building.....	2,000
Beck & Co., frescoing dome, etc.	3,000
Salary of stenographers, deficiency	2,319.70

SEC. 2. The auditor of public accounts is hereby authorized and required, upon presentation of the proper vouchers, to draw his warrant on the stated funds and against the appropriations as made in section one (1) of this act in favor of the party performing the service for the amount due, and such warrants shall give the name of the person and nature

Warrant, how drawn.

of the service. Salaries to be paid quarter yearly. All printing paid for out of any of the amounts appropriated by this act exceeding the sum of fifty (\$50) dollars, or paid for by the state in any other manner including item for purchase of Compiled Statutes, must be advertised for and let to the lowest responsible bidder, the same as other public printing is now let.

Itemized account of expenditures, shall be kept.

SEC. 3. Each state officer and each board entitled to draw against the appropriations provided for in this act shall keep an itemized account of all expenditures made by them and report the same with vouchers to the finance committee of the next legislature, and all officers and institutions, and that no state officer shall incur any indebtedness beyond the amount appropriated in this bill, except to prevent disaster.

Emergency clause.

SEC. 4. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 106.

[House Roll No. 434.]

AN ACT to provide for the payment of the salaries of the officers of the state government, hospital for the insane at Lincoln, hospital for the insane at Norfolk, asylum for the insane at Hastings, institute for the blind, deaf and dumb, reform school, normal school at Peru, home for the friendless, institute for the feeble minded, live stock agents, railroad commission, fish commission, state university, industrial home and soldiers' and sailors' home.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the following sums of money, Appropriation for salaries of state officers or so much thereof as may be necessary, are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of the salaries of the officers of the state government, hospital for the insane at Lincoln, hospital for the insane at Norfolk, asylum for insane at Hastings, institute for the blind, deaf and dumb, industrial school, normal school at Peru, home for the friendless, institute for the feeble minded, live stock agents, fish commission, railroad commission, state university, industrial home, and soldiers' and sailors' home for the years ending March 31, 1890 and 1891.

GOVERNOR.

Salary per year.....	\$2,500	\$5,000
Salary of private secretary.....	1,700	3,400

ADJUTANT-GENERAL.

Salary per year.....	\$1,000	\$2,000
----------------------	---------	---------

GENERAL LAWS.

COMMISSIONER OF LABOR.

Salary of deputy.....	\$1,500	\$3,000
Salary of clerk.....	1,000	2,000

SECRETARY OF STATE.

Salary	\$2,000	\$4,000
Salary of deputy	1,700	3,400
Salary of book-keeper	1,300	2,600
Salary of recorder.....	1,200	2,400
Salary of clerk	1,000	2,000

AUDITOR OF PUBLIC ACCOUNTS.

Salary	\$2,500	\$5,000
Salary of deputy	1,700	3,400
Salary of deputy, (insurance de- partment)	1,700	3,400
Salary of book-keeper	1,300	2,600
Salary of insurance clerk.....	1,000	2,000
Salary of bond clerk.....	1,200	2,400
Salary of recorder.....	1,000	2,000

TREASURER.

Salary.....	\$2,500	\$5,000
Salary of deputy	1,700	3,400
Salary of book-keeper	1,400	2,800
Salary of clerk	1,000	2,000

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salary	\$2,000	\$4,000
--------------	---------	---------

ATTORNEY-GENERAL.

Salary	\$2,000	\$4,000
Salary of deputy.....	1,700	3,400
Salary of stenographer	1,200	2,400

COMMISSIONER OF PUBLIC LANDS AND BUILDINGS.

Salary	\$2,000	\$1,000
Salary of deputy	1,700	3,400
Salary of chief clerk	1,300	2,600
Salary of two book-keepers	2,600	5,200
Salary of five clerks	5,000	10,000
Clerk who shall be a draftsman	1,200	2,400

SUPREME COURT.

Salary of three judges	\$7,500	\$15,000
Salary of reporter	1,500	3,000
Salary of stenographer	1,200	2,400

DEPARTMENT OF BANKING.

(Auditor of public accounts, attorney-general,
state treasurer.)

Bank clerk	\$1,200	\$2,400
------------------	---------	---------

STATE LIBRARY.

Salary of deputy librarian	\$1,700	\$3,400
Salary of clerk	1,000	2,000

NORMAL SCHOOL.

Salary of principal, teachers and janitors	\$14,200	\$28,400
<i>Provided, That these amounts shall be paid from the Normal School interest fund until ex- pended.</i>		

DISTRICT COURT.

Salary of twenty-one judges ..	\$52,500	\$105,000
Salary of twenty-one stenog- raphers	31,500	63,000

HOSPITAL FOR INSANE (LINCOLN).

Salary of superintendent	\$2,500	\$5,000
--------------------------------	---------	---------

GENERAL LAWS.

Salary of first assistant physician	1,500	3,000
Salary of second assistant physician.....*	1,200	2,400

HOSPITAL FOR INSANE (NORFOLK).

Salary of Superintendent.....	\$2,500	\$5,000
Salary of assistant physician..	1,500	3,000

ASYLUM FOR INSANE (HASTINGS).

Salary of superintendent.....	\$2,500	\$5,000
Salary of assistant superintendent	1,500	3,000

INDUSTRIAL SCHOOL.

Salary of superintendent.....	\$2,000	\$4,000
Salary of assistant superintendent	1,200	2,400
Six teachers and family managers	\$4,800	\$9,600
Bookkeeper and clerk.....	800	1,600
Chaplain	800	1,600
Matron	600	1,200
Assistant teacher for girls.....	500	1,000

INSTITUTE FOR THE BLIND.

Salary of officers and teachers.	\$ 5,200	\$ 10,400
----------------------------------	----------	-----------

INSTITUTE FOR THE DEAF AND DUMB.

Salary of superintendent.....	\$ 2,000	\$ 4,000
Salary of teachers, matron, foreman, physician, clerk, supervisors and nurses	10,000	20,000

HOME FOR THE FRIENDLESS.

Salary of officers.....	\$ 2,000	\$ 4,000
-------------------------	----------	----------

INDUSTRIAL HOME.

Salary of officers and physician	\$ 1,500	\$ 3,000
--	----------	----------

SOLDIERS' AND SAILORS' HOME.

Salary of commandant.....	\$ 1,500	\$ 3,000
Salary of Adjutant.....	600	1,200
Salary of quartermaster.....	420	840
Salary of surgeon.....	600	1,200
Salary of matron	300	600

INSTITUTE FOR FEEBLE MINDED.

To be paid from institute for feeble-minded fund:

Salary of superintendent.....	\$ 2,000	\$ 4,000
Salary of matron	800	1,600
Salary of steward.....	1,200	2,400
Salary of four teachers.....	2,400	4,800

STATE BOARD OF TRANSPORTATION.

Salary of three secretaries.....	\$6,000	\$12,000
Salary of stenographer.....	1,500	3,000

FISH COMMISSION.

Salary of superintendent.....	\$1,200	\$2,400
-------------------------------	---------	---------

STATE UNIVERSITY.

Payable from the temporary university fund.

Salaries of chancellor professors, instructors and all employes.....	\$18,850
--	----------

SEC. 2. The auditor of public accounts is hereby authorized and required upon presentation of the proper vouchers, to draw his warrant on the stated funds and against the ap- Warrants authorized.

propriations as made in section one (1) of this act, in favor of the party performing the service, for the amount due, and such warrants shall give the name of the person and nature of the service. Salaries to be payable quarterly.

Emergency
clause.

SEC. 3. Whereas, an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved March 30th, 1889.

CHAPTER 107.

[House Bill No. 413.]

AN ACT making appropriation for the payment of extra labor and material furnished for the main body of the state capitol building and the chapel of the state prison at Lincoln, Nebraska, by the contractor, W. H. B. Stout.

Be it enacted by the Legislature of the State of Nebraska:

Appropriation
for extras on
state house.

SECTION 1. That the following sums of money be and the same are hereby appropriated out of the general fund of the state treasury for the payment of the following items:

For Extras on State House as follows:

Ceiling library with iron....	\$ 6,000 00
Iron lath, outside walls....	1,432 50
Furring outside walls, material and labor	595 00
Two flights iron stairs to attic	500 00
Iron stairs in dome.....	2,500 00
Tiling two vaults.....	500 00

Change in library—gallery front.....	408 00
Rods to support gallery, includes turnbuckles	600 00
Galv. iron — columns and spangel.....	800 00
Three extra doors.....	225 00
Painting outside of dome...	2,000 00
Cementing east and west walls	100 00
Changing gas pipes in vestibule	25 00
Marble	7,250 00
Wood ceiling in library.....	1,478 00
Cornice.....	970 00
Railing around gallery.....	552 00
Two pr. double doors, governor's room.....	150 00
Two skylights over stairs...	500 00
Two ceiling skylights over stairs.....	500 00
Extra on iron work (Seaton's bill)	2,511 05
Sash in library.....	1,800 00
Building four vaults.....	12,000 00
Power for elevators.....	3,750 00
	<hr/>
	\$47,146 55
Credit by deductions.	
Wood stairs, attic.....	\$100 00
Wood stairs, dome.....	500 00
	600 00
	<hr/>
	\$46,546 52

For extra work on chapel and chapel building at states prison.

30 piers 2x2x2=240	180 00
Floor in bath house, etc	1,880 00
Concrete	781 00
Interest one year at 7 per cent.....	198 87
	<hr/> \$ 3,039 87

RECAPITULATION.

Total on state house.....	46,546 55
Total on prison chapel.....	3,039 87
Amount due contractor.....	<hr/> \$49,586 42

Warrant authorized.

SECTION 2. That the state auditor is hereby authorized and required to draw his warrant upon the general fund of the state treasury for the sum of forty-nine thousand, five hundred and eighty-six and forty-two one-hundredths (\$49,586.42-100) dollars in favor of the contractor, W. H. B. Stout.

Emergency clause.

SEC. 3. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved March 14th, 1889.

CHAPTER 108.

[House Roll No. 275.]

AN ACT making appropriations for the payment of miscellaneous items of indebtedness owing by the state of Nebraska.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That the following sums of money be and the same are hereby appropriated out of the general fund, for the payment of the following items of indebtedness owing by this state.

Deficiencies for clothing, bedding, groceries, farm implements, coal, laundry machinery, furniture, hardware, range, drugs, instruments, medicines, meat, blanks, burial care and for extra work and material for soldiers' and sailors' home at Grand Island, Nebraska.	\$18,500.00
Bannister and scudder for grates for boilers for insane hospital at Lincoln, Nebraska.....	300.00
Union School Furniture Company, for furniture for industrial school at Kearney, Nebraska.....	110.00
Deficiencies for furniture and bedding, fuel and lights, repairs and improvements and for extra work done and material furnished in completing and lighting insane asylum at Norfolk, Nebraska.....	22,231.00

Appropriation
for miscellaneous
items of
indebtedness

Deficiency for work done on deaf and dumb institute at Omaha, Nebraska	714.00
Deficiencies for board and clothing, fuel and lights, repairs and improvements and stationery and postage for insane asylum at Lincoln, Nebraska	19,500.00
Deficiencies for medicine and surgical instruments, fuel and lights, barn and furnishing new building for feeble minded youth at Beatrice, Nebraska	3,707.95
Deficiency in current expenses for institute for the blind at Nebraska City	800.00
Deficiency for fuel and lights for industrial school at Kearney, Nebraska	13,650.00
Deficiency for employes' wages, capitol building and grounds	1,000.00
Archer & Pancoast M'f'g Co., chandeliers, gas fixtures, etc.	4,981.30
Nemaha county, refunding money erroneously paid state treasurer for care of insane patients.	802.13
Emma J. Chester, clerk, 20th session	45.00
Richardson county, refunding money erroneously paid state treasurer ..	42.70
C. J. Westerdale, pursuit and arrest of fugitives from justice	300.00

Deficiency for employe's wages at Norfolk asylum	1,091.87
Ebenezer R. Hoar, of Concord, Massachusetts, for professional services rendered and expenses incurred in the case of Morton vs. the State of Nebraska, in the Su- preme court of the United States.	2,000.00
John M. Williams, sheriff, for arrest and return of fugitives from justice	130.00
Walter Knutzen, changes made at industrial school at Kearney from original plans and specifications ..	1,239.05

SEC. 2. The auditor of public accounts is hereby authorized and required, on the presentation of vouchers approved by the board of public lands and buildings and the secretary of state, to draw his warrants on the general fund for the amounts named in such vouchers.

Warrants au-
thorized.

SEC. 3. Whereas, an emergency exists, this act shall take effect on and after its passage.

Emergency
clause.

Approved March 30th, 1889.

CHAPTER 109.

[House Roll No. 126.]

AN ACT for the relief of William J. Wilson.

PREAMBLE.

Preamble.

WHEREAS, on the tenth (10) day of November, 1888, William J. Wilson, while acting under the orders of the sheriff of Burt county, Nebraska, and assisting said sheriff to arrest one "Reddy" Wilson, alias Howard, etc., who had on the night of November 5th, 1888, burglarized the stores of Smith Bros., and Wallace & Worcester, in Tekamah, in said county; and,

WHEREAS, William J. Wilson in performing said duties was wounded by a ball from a 38-calibre revolver in the hands of the burglar, "Reddy Wilson," by which the said William J. Wilson was shot in the face, the ball entering through the upper lip and shattering the jaw bone on the side and came out back of the ear, and from said injury he is physically incapacitated for life, and was damaged in the sum of three thousand (\$3,000) dollars.

WHEREAS, said injury was caused at a time when said Wm. J. Wilson was acting under the orders of the sheriff and in compliance with the laws of the state. Therefore,

Be it enacted by the Legislature of the State of Nebraska:

Appropriation.

SECTION 1. That there is hereby appropriated out of any money in the treasury of the state of Nebraska, not otherwise appropriated,

the sum of twenty-five hundred (\$2500) dollars for the payment of said claim for damages.

SEC. 2. The auditor of public accounts is hereby authorized and directed to draw his warrant upon the state treasurer for the sum of twenty-five hundred (\$2500) dollars, in favor of the said William J. Wilson for the payment of said claim.

Warrant authorized, payable to William J. Wilson

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

Emergency clause.

Approved February 27th, 1889.

MEMORIALS
AND
JOINT RESOLUTIONS.

MEMORIALS AND JOINT RESOLUTIONS.

CHAPTER 110.

[Senate File No. 31.]

PROHIBITION.—HIGH LICENSE.

AN ACT to submit to the electors of the state] for rejection or approval, an amendment to the constitution of the state to prohibit the manufacture, sale and keeping for sale, of intoxicating liquors as a beverage, and providing for the manner of voting on such proposed amendment, and an amendment to the constitution of this state to license and regulate the manufacture, sale and keeping for sale, of intoxicating liquors as a beverage, and providing for the manner of voting on such proposed amendment.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That at the general election to be held on the Tuesday succeeding the first Monday of November, A. D. 1890, there shall be submitted to the electors of this state for approval or rejection an amendment to the constitution of this state in words as follows: "The manufacture, sale, and keeping for sale of intoxicating liquors as a beverage are forever prohibited in this state, and the legislature shall provide by law for the enforcement of this pro-

vision." And there shall also at said election be separately submitted to the electors of this state for their approval or rejection an amendment to the constitution of the state in words as follows: "The manufacture, sale, and keeping for sale of intoxicating liquors as a beverage shall be licensed and regulated by law."

Licensed.

Form of ballot.

SEC. 2. At such election, on the ballot of each elector voting for the proposed amendments to the constitution, shall be written or printed the words: "For proposed amendment to the constitution, prohibiting the manufacture, sale and keeping for sale of intoxicating liquors as a beverage," or "Against said proposed amendment to the constitution prohibiting the manufacture, sale and keeping for sale of intoxicating liquors as a beverage."

Manner of voting.

There shall also be written or printed on the ballot of each elector voting for the proposed amendment to the constitution, the words: "For proposed amendment to the constitution that the manufacture, sale and keeping for sale of intoxicating liquors as a beverage in this state, shall be licensed and regulated by law," or, "Against said proposed amendment to the constitution that the manufacture, sale and keeping for sale of intoxicating liquors as a beverage shall be licensed and regulated by law."

Approval.

SEC. 3. If either of the said proposed amendments shall be approved by a majority of the electors voting at the said election, then it shall constitute section twenty-seven (27), of article one (1) of the constitution of this state.

This bill having remained with the governor five (5) days, Sundays excepted, the legislature being in session, the governor having failed to return this bill to the legislature during its session, and having failed to file it in my office with his objections within five (5) days after adjournment of the legislature, it has thereby become a law.

Witness my hand this 13th day of February
A. D. 1889.

G. L. LAWS,
Secretary of State.

CHAPTER 111.

Senate File No. 216.]

JOINT RESOLUTION.

TO AMEND Sections two (2), four (4), and five (5), of article (6) of the constitution of the state of Nebraska, entitled "Judicial Department," and providing for five (5) judges of the Supreme Court, and to repeal said original sections.

Be it resolved and enacted by the Legislature of the State of Nebraska:

SECTION 1. That section two (2) of article six (6) of the constitution of the state of Nebraska, be amended so as to read as follows: Amendment to Sec. 2. Art. 61 Const.

"Section 2. The supreme court shall consist five (5) judges, a majority of whom shall be necessary to form a quorum or to pronounce a decision. It shall have original jurisdiction in cases relating to revenue, civil cases in which the state shall be a party, *mandamus, quo warranto, habeas corpus*, and such appellate jurisdiction as may be provided by law. The supreme court.

Amendment to
Sec. 4, Art. 6,
const.

SEC. 2. "That section four (4) of article six (6), of the constitution of the state of Nebraska, be amended so as to read as follows:

Election of
judges, terms
of office.

Section 4. The judges of the supreme court shall be elected by the electors of the state at large and their terms of office, except as hereinafter provided, shall be for a period of five (5) years."

Amendment to
Sec. 5, Art. 6,
const.

SEC. 3. That section five (5) of article six (6) of the constitution of the state of Nebraska, be amended so as to read as follows:

Same, when
elected.

Section 5. "At the first general election to be held in the year 1891, and after the adoption of this amendment to the constitution, there shall be elected three (3) judges of the supreme court; one of whom shall be elected for the term of one (1) year, one for the term of three (3) years, and one for the term of five (5) years, and at each general election thereafter, there shall be elected one judge of the supreme court for the term of five (5) years. *Provided*, That the judges of the Supreme Court whose terms have not expired at the time of holding the general election of 1891, shall continue to hold their office for the remainder of the term for which they were respectively elected under the present constitution."

Form of ballot.

SEC. 4. That each person voting in favor of this amendment shall have written or printed upon his ballot the following:

"For the proposed amendment to the Constitution relating to the number of Supreme Judges."

Approved, March 30th, 1889.

CHAPTER 112.

[Senate File No. 231.]

JOINT RESOLUTION proposing an amendment to section thirteen (13) of article six (6) of the Constitution of the state of Nebraska, and fixing the salary of judges of the supreme and district courts in this state.

Be it resolved by the Legislature of the State of Nebraska:

SECTION 1. That section thirteen (13) of article six (6) of the constitution of the state of Nebraska be amended so as to read as follows:

Section 13. The judges of the supreme court shall each receive a salary of thirty-five hundred dollars (\$3,500) per annum, and the judges of the district court shall receive a salary of three thousand dollars (\$3,000) per annum, and the salary of each shall be payable quarterly.

SEC. 2. Each person voting in favor of this amendment shall have written or printed upon his ballot the following:

"For the proposed amendment to the constitution, relating to the salary of judges of the supreme and district court."

Approved March 30th, 1889.

CHAPTER 113.

[House Roll No. 174.]

JOINT RESOLUTION relating to indemnity school lands.

*Resolved by the Legislature of the State of Nebraska:*Suspension of
entries on
public lands:

That our senators and representatives in congress be and are hereby requested to demand the suspension of all entries of public lands where said lands are under claim of the state as indemnity school land, the basis of said claim having the approval of the general land office under date of May 28th, 1884.

Approved March 27th, 1889.

INDEX TO LAWS.

INDEX TO LAWS.

ACCOUNTS—	PAGE
of officers exhibited, when	167
of treasurer, city of second class	263
of township treasurer.....	526-527
ACTIONS—	
for damage to person or property.....	268
for recovery of illegal special tax.....	110
by city against railway company.....	114
for unliquidated claims.....	169
affecting realty, where bought.....	376
same, recovery, partition and sale.....	376
ADDITIONS—	
in cities of the metropolitan class.....	91
in cities of the first class, how laid out.....	152
map of.....	152
plat of, when filed.....	153
streets and alleys must correspond, how.....	153
by whom approved.....	154
how to lay out in cities of the first class, second grade.....	251
map of	252
to be filed with register of deeds.....	252
streets must be continuous.....	253
ADJUTANT-GENERAL—	
appropriation for	598
support of Nebraska national guard.....	598
limit of expenditure.....	598
salary.....	613

	PAGE
AGRICULTURE—	
county aid to agricultural societies.....	534
appropriation for support of state board.....	610
ALIENS—	
restriction of right to acquire and hold real estate.....	483
escheatment.....	483
same, duty of county attorney.....	484
heirs to be paid value of land, when.....	484
vested rights.....	485
may take valid title.....	485
when such lands must be sold.....	485
same, exceptions.....	486
sections of compiled statutes repealed.....	486
ALLEYS—	
shall be continuous in additions.....	91-153-253
appropriation of private property for.....	138
APPEAL—	
undertaking.....	371-372
APPOINTMENT—	
judicial districts.....	418
APPROPRIATIONS—	
of private property in metropolitan cities.....	97-138
of money in metropolitan cities.....	138
annual bill in cities of the first class.....	171
additional, how made.....	171
same, estimates.....	172
how made.....	172
emergency.....	173
ordinances, how enacted.....	173
in cities of the second class.....	267
same, annual bill.....	280
same, additional.....	281
same, estimates.....	281
for dairymen's association.....	566
to improve and beautify the capitol grounds.....	573
for buildings at state industrial school.....	584-586
for buildings at the Nebraska industrial home.....	587-588
for buildings at state normal school at Peru..	589
for state university library.....	590

	PAGE.
for library at state normal school.....	592
for buildings and machinery for insane asylum at Lincoln....	593
an act to transfer money from insane hospital fund to state general fund.....	594
for incidental expenses, 21st session legislature	594
for payment of officers, members and employes 21st session...	596
for current expenses of state government, and miscellaneous indebtedness.....	597-612
for salaries of state officers and the officers of state institu- tions.....	613-618
for extra labor and material on capitol building and chapel state prison.....	618 620
for miscellaneous items of indebtedness..	621
for the relief of William J. Willson.....	624
ASSAULT—	
to do bodily injury, penalty.....	385
to kill, penalty.....	385
ASSESSORS—	
Election.....	358-362
ASSESSMENTS—	
method of in metropolitan cities.....	102-103
supplemental.....	104
depth of lot.....	107-109
curbing and guttering.....	109
for sewer connections.....	116
taxes for public improvements, upon what.....	117
roll, how made.....	119
same, city clerk may make additions.....	120
council board of equalization.....	121
in cities of the first class.....	178
same, roll how made.....	178
poll tax.....	178
dog tax.....	179
equalization of.....	179
correction of.....	181-186
liens.....	185
irregularities do not invalidate.....	186
side-walk.....	192
special sewer.....	222
how made.....	223

	PAGE.
apportionment of	225
on refusal of street railway to pave.....	227
in cities of the second class.....	269
same, roll how made.....	269
same, board of equalization.....	270
same, notice of.....	270
same, increase of.....	271
same, treasurer may correct errors.....	271
same, liens.....	276
same, irregularities.....	276
re-levy.....	276
council may correct.....	277
power to make.....	285
special for walks.....	287
of adjoining lots.....	310
method.....	310
supplemental	216-311
curbing and guttering.....	220-316
apportionment.....	319
re-assessment, how made.....	320
payment of.....	321
on refusal of railway to pay.....	322
special sidewalk.....	287
equalization of.....	555

ASYLUM FOR INSANE (HASTINGS).

appropriations for.....	603
fire escape.....	610
salaries.....	616

ATTACHMENT—

an act to protect laborer's wages.....	369
wages of laborer exempt, when.....	369
unlawful to abet, violation of this act.....	370
evasion of this act, what is evidence.....	370
penalty for violations.....	370

ATTORNEY-GENERAL—

election.....	358-362
appropriations for.....	599
salary.....	614

ATTORNEY, CITY—

	PAGE.
salary in metropolitan cities.....	147
how appointed in cities of the first class.....	157
same, salary.....	159
same, duties.....	164
in cities of the first class, second grade, how appointed.....	258
same, salary.....	259
same, duties.....	263

AUCTIONS—

regulation of in cities of the first class.....	207
same, in cities of second class.....	303

AUDITOR OF PUBLIC ACCOUNTS—

election.....	358-362
must detach coupons, when.....	429
appropriations.....	598
salary.....	614

BANKING—

an act regulating.....	388-398
capital required, cash value.....	388
same, may consist of what.....	389
must report before transacting business, when.....	389
same, when filed.....	389
reports to auditor of public accounts.....	390
same, what must be stated.....	390
same, summary must be published, when.....	391
Special reports.....	391
bank examiner and clerk, how appointed.....	391
same, removal.....	392
power and duties.....	392
compensation.....	393
violation, penalty.....	393
reserve funds.....	394
savings banks.....	394-397
deficiency must be made good.....	395
liabilities must not exceed what.....	395
deposits must not be received, when.....	396
same, penalty.....	396
receiver, how appointed.....	397
national banks exempt.....	397
appropriation for bank clerk, salary.....	615

BANK EXAMINER—

	PAGE.
how appointed.....	391
removed.....	392
power and duties.....	392
compensation.....	393

BOARD OF EDUCATIONAL LANDS AND FUNDS—

for appraising school lands, appropriation.....	600
school land expense deficiency.....	600
serving notices and advertising forfeitures.....	600

BOARD OF FIRE AND POLICE COMMISSIONERS—

in metropolitan cities.....	142
appointments of.....	143
removal and vacancies.....	143
oath.....	143
bond.....	145
quorum.....	143
powers and duties.....	144-145
salary.....	147
power to license sale of liquors.....	355
same, compensation for such service.....	355

BOARD OF HEALTH—

power to appoint in cities of the second class.....	303
---	-----

BOARD OF HOSPITAL COMMISSIONERS—

in cities of the first class.....	211
who shall constitute the.....	211
the mayor president.....	211
meetings of.....	211
term of appointed members.....	211
a majority a quorum.....	211
may employ superintendent, steward.....	211
steward to act as clerk.....	212
rules of government.....	212
to appoint a corps of physicians.....	212

BOARD OF PARK COMMISSIONERS—

by whom and when appointed.....	132
number and qualification of members.....	132
chairman, how appointed.....	133

PAGE.

oaths and salaries.....	133
duties of.....	131-133
tax levy for park fund.....	133-134

BOARD OF PUBLIC LANDS AND BUILDINGS—

in awarding contract must take bond to secure laborers' wages.....	375
authorized to improve the capitol grounds.....	572
same to appoint a landscape gardner.....	572
must cause Saline lands to be offered for lease	580
same, how rental funds must be invested.....	582
appropriations for.....	600

BOARD OF PUBLIC WORKS—

appointment in metropolitan cities.....	127
chairman	128
duties and removal.....	128-129
salary, oath and bond.....	128
* to approve estimates of city engineer.....	129
in awarding contracts must take bond to secure laborers' wages, when.....	375
in cities of the first class.....	230
same, how and when appointed	230
same, chairman.....	231
compensation.....	231
oath and bond.....	231
duties of.....	231
may not be interested in contracts.....	231
removal	232
in cities of the second class.....	325
same, oath and bond	326
compensation	326
duties of board.....	326-327
must not be interested in contracts.....	326
removal.....	327

BOARD OF PURCHASE AND SUPPLIES—

appropriations for.....	600
-------------------------	-----

BOARD OF SUPERVISORS—

regular meetings.....	76
per diem and mileage.....	84
in amending contracts must take bond to secure laborers' wages, when.....	375

BOILER INSPECTOR—

	PAGE.
appointment of metropolitan	134
qualifications.....	134
duties and salary.....	134
mayor and council, power to appoint.....	93

BOND—

of register of deeds.....	86
of councilmen in metropolitan cities.....	90-91
of board of public works.....	128
of city engineer, metropolitan.....	130
same, deputy.....	131
of comptroller.....	136
of councilmen in cities of the first class.....	157
supersedes.....	371-374
of township, city or village treasurer	524

BONDS—

to aid the county to build, repair or furnish a court house....	81
may be authorized on a majority vote for county buildings....	83
cities of metropolitan class.....	97-98
paving bonds.....	105-106-217
maximum amount in any one year.....	106
submission to electors.....	106
curbing and guttering.....	109-220
issued by metropolitan cities, registered.....	134
building in cities of the first class	198
same, in cities of the second class ..	293-217-312
same, must not be sold for less than par.....	313
same, must be submitted to a vote ..	219-313
same, maximum amount.....	313
for sewers and waterworks	233
for curbing and guttering.....	315
rate of interest on.....	235-332
interest coupons detached and returned when.....	429
township bridge, how issued.....	574

BRIDGES—

township may purchase, when.....	573
same. may issue bonds when.....	573

BUILDINGS—

	PAGE.
regulation of, used for assembly	94-205-301
unsafe	95-206-301
must be supplied with fire escapes	94-206-301
ample means of exit	206-301
construction of	94-302
power to erect necessary public	96
dangerous manufactory	95
removal of dangerous	93

BURT COUNTY—

boundaries of	73
---------------------	----

CARCASS—

removal of in cities	205, 301
----------------------------	----------

CEMETERIES—

in cities of the first class	208-209-210
in cities of the second class	303-304-305

CENSUS—

in cities of the first class	200
in cities of the second class	296

CHATTEL MORTGAGES—

disposing of mortgaged property	386
---------------------------------------	-----

CHURCH—

regulation of, in cities	205-301
--------------------------------	---------

CITIES OF THE METROPOLITAN CLASS—

what are	148
act to amend act of incorporation	89
corporate limits	89
same, extension	90
councilmen, qualification of	90
same, bond of, liability	90
mayor and council, power and duties	91-148
additions, how laid out	91
streets must be continuous	91
sanitary regulations	92
inspection of steam boilers and plumbing	93
fire limits	93

	PAGE.
removal of dangerous buildings.....	93
regulation of the construction of buildings.....	94
fire escapes.....	94-95
lighting streets.....	95
telephone service, regulation of.....	96
hospitals and other buildings.....	96
libraries, reading rooms.....	96
art galleries, museums.....	96
may issue bonds.....	97-98
paving districts.....	101
material for paving, how determined.....	102
cost of paving, how met.....	102
assignments.....	103-104-120
lots and lands, defined.....	107
depth of lot for assessment purposes.....	107
curbing and guttering bonds.....	109
payment under protest.....	110
suit for recovery.....	110
railway company to have right of way.....	111
same, keep in repair.....	112
the word companies defined.....	112
proceedings in case of refusal to pave.....	113
special taxes, on what levied... ..	113
collections by distress.....	114
exemptions upon real estate, distress.....	115
payable in installments, how.....	115
water, gas and sewerage connections.....	116
special taxes for public improvements.....	117
method of levying special sewerage tax.....	118
objects for which taxes may be levied.....	118
assessment roll, how made.....	119
council shall act as board of equalization.....	121
taxes, when delinquent.....	121-122
city clerk to make tax list.....	122
city treasurer to make out delinquent list.....	123
warrants, how drawn.....	124
city treasurer, duties of.....	125-127
board of public works, duties.....	127-129
city engineer, duties.....	130
park commissioners, duties.....	131-133
boiler inspector.....	134
comptroller.....	134-138

	PAGE.
appropriations of private property	97-138
appropriations of money, how made	138
city clerk, how elected	139
official paper, how designated	140
policeman, how appointed	140
mayor, power and duties	140-142
annual and fiscal report	142
board of fire and police commissioners	142-145
same, have power to license sale of liquors	355
chief of police, appointment and jurisdiction	144-146
compensation of the several officers	146-147
power to license, tax and regulate business	148
county board to aid in grading road, when	78

CITIES OF THE FIRST CLASS—

an act to incorporate	151
what are	151
population	151
city government, division into wards	151
corporate limits	151
may vacate public roads	152
contiguous property	152
additions	152-154
corporate name	154
service of process	154
rights reserved	154
powers granted	154-155
wards	155
precinct lines	155
elections, general	156
elections, of officers	156
appointive officers	157
electors' qualifications	158
council meetings	158
salaries, how fixed	159
police judge	160
officers' qualifications	160
mayor's powers and duties	160-162
city clerk, duties of	162-164
treasurer, duties of	163-188
attorney, duties of	164
engineer, duties of	165-166

	PAGE.
marshal, duties of.....	166
street commissioner	167
accounts of officers	167
contracts, yeas and nays.....	167
streets, care of	167
markets.....	167
claims	168-170
public money, diversion.....	170
fiscal year.....	171
annual appropriation bill.....	171
same, estimates.....	172
money, how expended	172
appropriation ordinances, how enacted.....	173
warrants.....	174
power to contract.....	174
contracts, interest in	175
ordinances, rules for passage.....	176
same, style	177
taxes, levy.....	177-178
equalization.....	179
tax list, correction	180
taxes, delinquent.....	181
tax warrant.....	181
same, power of treasurer.....	182
same, duties and fees.....	182
taxes, property liable.....	183
same, ordinances for collecting.....	183
same, how paid.....	183
same, realty, sale of.....	184
tax liens.....	185
assessments, irregularities	186
same, re-levy.....	186
same, county treasurer	187
treasurer's books.....	187
public money, removal of the treasurer.....	188
annual report	188
ordinances, powers.....	189-212
paving	213-221
same, contracts.....	221
same, street intersections	221
special sewer assessments.....	222
same, how made	223

	PAGE.
distress warrant.....	224
apportionment of assessment.....	225
completion and acceptance of work.....	225
railways, use of streets, liability.....	226-230
special assessments.....	227
board of public works.....	230-232
finances, published statement.....	232
witness.....	232-244
cost of keeping prisoners.....	233
bonds for sewers and water works.....	233
same, contracts.....	237
bonds, interest.....	235
water commissioner.....	235
taxes for sewerage and water works.....	236
liquors, license.....	237-239
same, vested in excise board.....	356
payment of taxes.....	239
printers' fees.....	240
special engineer.....	240
police judge, jurisdiction.....	240
same, powers, duties.....	241-242
finer and penalties.....	242
trial.....	243
recognizance.....	243
trial by jury.....	244
judgment.....	245
discharge.....	246
proceedings, undertaking, continuance.....	246
challenges.....	247
punishment.....	247
working prisoners.....	247
vacancies in office.....	247

CITIES OF THE FIRST CLASS HAVING LESS THAN TWENTY-FIVE THOUSAND INHABITANTS—

number of inhabitants.....	250
how organized.....	250
corporate limits.....	251
contiguous property.....	251
additions.....	252
corporate name.....	253
rights reserved.....	253

	PAGE.
powers granted	254
wards, precinct lines	255
elections, general	256
election of officers	256-258
electors	258
council meetings	259
salaries, how fixed	259
mayors' powers and duties	260-262
clerks, duties of	262
treasurer, duties of	262
attorney, duties of	263
engineer, duties of	264
marshall, duties of	265
street commissioner	265
emoluments of officers	266
accounts of officers	266
when yeas and nays to be called	266
streets—markets	266-267
appropriation ordinances	267
claims	268
taxes—levy	268-270
equalization	270
tax list, correction	271
taxes, delinquent	271
tax warrant	272
treasurer, power of	273
same, annual report	279
taxes, property liable	273
same, realty, sale of	274
same, liens, re-levy	276-277
treasurer's books	278
warrants	278
public moneys	279
fiscal year	280
annual appropriation bill	280
same, estimates	281
money, how expended	282
power to contract	283
contracts, interest in	283
ordinances, rules for passing	284
same, powers	285-317
same, contracts for	317

	PAGE.
same, street intersections.....	317
special taxes, when due	318
officer's warrant.....	318
apportionment of assessment.....	319
completion and acceptance of work.....	319
special sewer assessments.....	319
railways, use of streets, liabilities.....	321
special assessments.....	322
elective, board of public works.....	325
poll tax.....	327
finance, published statement.....	328
witnesses.....	329
county jail.....	329
bonds for sewers and waterworks.....	329
same, vote of people.....	330
same, water works.....	330
same, contracts.....	331
bonds, interest.....	332
water commissioners.....	332
same, duties.....	332
council, mayor, eligibility.....	333
tax for sewerage and water works.....	333
liquors, license.....	334-355
payment of taxes.....	335
printers' fees.....	336
special engineer.....	336
police judge, jurisdiction, powers.....	336
finer and penalties.....	338
trial.....	339
recognizance.....	339
witnesses.....	339
trial by jury.....	340
judgment.....	340
discharge.....	341
proceedings.....	341
continuance.....	341
challenges.....	341
punishment.....	342
working prisoners.....	342
vacancy in office.....	342
viaducts.....	342

CITY CLERK—

	PAGE
appointments of.....	139
bond.....	140
salary	146
duties of.....	162-262
make tax certificate and warrant.....	24
annual report	262
monthly report.....	262
issue certificate of appointment to supervisors of registration	434
furnish all books and blanks required in registration of	
votes	449-454
must certify affidavit of votes	455

CLAIMS—

in cities of the first class.....	168
notice of amount and nature of, published.....	168
appeal from allowance of.....	169
actions for, unliquidated.....	169
appeal bond can not be required of city	170
in cities of the first class, second grade.....	268
must be audited.....	268
actions for damages	268

CLERK—BANK—

how appointed.....	391
duty of	391

CLERK DISTRICT COURT—

election; when county clerk is ex-officio..	359-364
---	---------

CLERK—COUNTY—

election.....	358-362
keep a record of estrays.....	429
make abstract of votes, when.....	470
issue certificates of election... ..	471
prepare duplicate lists and receipt books.....	523
issue warrant to soldier's relief commission.....	530

CLERK—TOWNSHIP—

election.....	358-362
---------------	---------

COMMISSIONERS—COUNTY—

(See County Board.)

election	358-362
----------------	---------

COMMISSIONER OF LABOR—

	PAGE.
appropriations for.....	598
office expenses.....	611
salary of deputy and clerk	614

COMMISSIONER—LIGHT—

appointment of.....	353
bond and oath.....	353
report.....	353
removal.....	354
salary	354

COMMISSIONER OF PUBLIC LANDS AND BUILDINGS—

election.....	358-362
custodian of field notes	567
same, must provide for and safely keep	568
who may have free access to such records.....	568
to make abstracts of Saline lands.....	580
must give notice that lands will be offered for lease	581
same, when lessee defaults in interest.....	582
appropriations for.....	600
salary	615

COMPTROLLER—METROPOLITAN—

bond.....	136
salary	146
duties.....	134-137
prepare and register bonds.....	137
countersign orders and drafts.....	142

CONGRESS—

election of members.....	358-362
--------------------------	---------

CONSTABLE—

election of in cities....	156-255
same.....	358-362

CONTAGIOUS DISEASES—

in cities of the first class.....	207
in cities of the second class.....	303

CONTRACTS--

	PAGE.
must be let to lowest bidder.....	140-221-317-352
can not be made unless funds available.....	137-283
with official paper	140
yeas and nays called, when	167-266
must not be made prior to appropriation	174
officers must not be interested in.....	175-344-345
same, penalty.....	345
paving and guttering.....	317
board awarding contract, must take bond to secure laborers' wages, when	375

CORONER--

election..	358-362
------------------	---------

CORPORATIONS--

masons, odd fellows, good templars, granges.....	403
grand army posts.....	403
Bohemian benevolent societies	404
woman's christian temperance auxilliary societies.....	404
titles and powers.....	404
foreign, may incorporate, how.....	407
officers, how elected	487
certificate of election to be filed with secretary of state.....	488
same, to be filed with the county clerk.....	488
proceedings to be recorded in county clerk's office.....	488
same, filed with secretary of state, when.....	489

COUNCIL--

(*In Metropolitan Cities.*)

members of, qualifications.....	90
bond.....	90
liability.....	91
power to create an office.....	91
must appoint city clerk, when.....	139
shall designate official paper.....	140
salary.....	147
must publish annual and fiscal report.....	142-232
and mayor, power to license, tax and regulate business.....	148
shall sit as board of equalization.....	121
must appoint supervisors of registration.....	432

(In Cities of the First Class.)

	PAGE.
may regulate streets in additions.....	153
same, power vested in mayor and.....	155
election of members	156
term of office.....	156
bond and liability.....	157
meetings	158
quorum.....	159
salary	159
and mayor to regulate markets.....	167
may correct assignments.....	186
president of	210
may contract with charitable institutions for establishmndt of hospital.....	212
power to pave.....	213
may compel attendance of witnesses.....	232
must appoint supervisors of registration.....	432

(In cities of the first class having less than twenty-five thousand inhabitants.)

may vacate public roads.....	251
and mayor have power to regulate streets in additions.....	253
members of, qualifications.....	256
election, bond.....	256
malfeasance in office.....	257
terms of office.....	257
and mayor to appoint officers	258
meetings.....	259
quorum.....	259
salaries.....	259
must advertise for bids.....	265
street regulation.....	265
emoluments, must not be increased or diminished.....	266
accounts of officers.....	266
contracts, adoption of.....	266
markets, regulation.....	267
enactment of ordinances.....	267
power to levy taxes.....	268
board of equalization.....	270
may correct assessments.....	277
allowance of claims.....	278
annual appropriation bill.....	280
must publish estimates of expenses.....	281

	PAGE.
how to make appropriations	282
can not issue warrants, when	282
must not be interested in contracts	283-334
no contract can be made prior to appropriation	283
must provide rules and regulations for the passage of ordi- nances	284
powers by ordinance	285-317
contracts must be let to lowest bidder	317
acceptance of work when completed	319
apportionment of taxes for sewerage	319
appointment of board of public works	325
and mayor must publish finance statement	328
may compel the attendance of witnesses	329
sewers and waterworks, may borrow money, how	329
water commissioner	332
power to regulate and license sale of liquors	334
may require railroads to construct viaducts	342
must appoint supervisors of registration	432

COUNTIES—

transferring territory from one county to another	74
three-fifths of all votes cast necessary to create new county ..	74
liable for damage to person or property, when	28
may aid in grading streets, how	78
boundaries of Burt	73
boundaries of Hooker	69
boundaries of Wayne	70
boundaries of Thurston	71
power to purchase, hold and convey real and personal estate ..	492

COUNTY ATTORNEY—

must prosecute all complaints under registration act	467
when lands of Aliens escheat, duty	483-484
duty under provisions of trust act	519

COUNTY BOARD—

must repair roads and bridges	77
may aid in paving and improving streets, when	78-79
may issue bonds to construct county buildings on majority vote	83
election of	358-362
to divide metropolitan cities into districts for the election of justices of the peace	366

	PAGE.
same, cities of the first class.....	364
malfeasance in office, penalty.....	367
in awarding contract, must take bond to secure laborers' wages, when.	375
must levy tax for soldiers relief fund	528
appoint soldier's relief commission.	528
same, power of removal.....	530
aid agricultural societies, how.....	534
equalization of assessments.....	555
must levy tax for township bridge bonds, when.....	575
COUNTY SURVEYOR—	
election.....	358-362
COURT—COUNTY—	
judge of, must appoint appraiser, when.....	476
same, must certify report of sale to district court.....	477
same, must notify purchaser, when.....	478
same, distribution	478
consent to take under will must be entered on records of....	479-482
COURT—DISTRICT—	
judges, election of.....	358-362
apportionment of districts.....	418
same, number of judges.....	419
term of office.....	414
governor to fill vacancies, when.....	420
stenographic reporter, how appointed	421
same, shall not practice law.....	421
salary of twenty-one judges, appropriation	615
salary of twenty-one stenographers.....	615
COURT—SUPREME—	
election.....	357-362
terms, when held.....	422
appropriations for.....	601
salaries	615
DAIRYMEN'S ASSOCIATION—	
legalized.....	565
annual meetings.....	565
secretary, duties.....	565
appropriation.....	566-610
embezzlement.....	566

DECEDENTS—

	PAGE.
order of descent.....	473-479
distribution of personal estate.....	480-482
sections of compiled statutes repealed.....	482
non-resident alien's restricted in right of descent.....	483
when lands of alien's escheat, duty of county attorney.....	484
heirs to be paid value of land, when.....	484
executor may complete contracts to convey real estate.....	490
same, all contracts may be included in one petition.....	490
same, court may authorize conveyance.....	491

DEPARTMENT OF BANKING—

members of.....	390-391
may call for reports.....	390-391
shall appoint a clerk and examiner.....	391
may appoint a receiver, when.....	397
office expenses.....	611
salary of bank clerk, appropriation for.....	615

DEPOTS—

power to regulate.....	195-291
------------------------	---------

DISORDERLY CONDUCT—

to prohibit.....	203-204-299
------------------	-------------

DIVERSION OF FUNDS—

in cities of the metropolitan class.....	99-127-126
in cities of the first class.....	170

DOGS—

license.....	193-288
may authorize destruction.....	193-289
to harbor or keep but one.....	289

DOMESTIC ANIMALS—

in cities of the first class.....	207
in cities of the second class.....	302
lien for keep and care of.....	378

DRAINAGE—

in cities of the first class..	205
in cities of the second class.....	297-300

ELECTIONS—

	PAGE.
manner of holding elections and making returns.....	82
in cities of the first class.....	156
same, registration of voters.....	199
same, registration of primary.....	199-294
penalty for illegal voting.....	199-295
in cities of the second class.....	256-294
certificate of election.....	258-471
of state officers, when.....	357-362
of county officers, when.....	358-362-363
canvass of, when and how made.....	470

ELECTORS OF PRESIDENT AND VICE-PRESIDENT—

certificate to presidential electors.....	472
meeting of electors.....	472
same, electors of president and vice-president.....	472

ELECTRIC LIGHTS—

in metropolitan cities.....	95
in cities of the first class.....	195
in cities of the first class, having less than twenty-five thou- sand inhabitants.....	290
in cities of the second class.....	350
same, how established.....	350-351
may issue bonds.....	351
petition for.....	351
annual tax.....	352
contracts must be let to lowest bidder.....	352
contractor's bond.....	352
management of.....	352
light commissioner.....	353
same, bond and oath.....	353
detailed report.....	353
salary.....	354
removal.....	354
rates for use of, how fixed.....	354

EMINENT DOMAIN—

constitutional provisions.....	7-50
cities, metropolitan class.....	138-98
in cities of the first class.....	197-234
in cities of the second class.....	292
under irrigation act.....	506-511

ENGINEER—CITY—

	PAGE.
appointment of.....	130
oath, bond and salary.....	130-164-264
duties of.....	131
assistant, bond and salary.....	131
to make estimates.....	165-264
acceptance of work by when, completed.....	225-319
special, when chosen.....	240-336

ESTRAYS—

record of description.....	428
----------------------------	-----

EXCISE BOARD—

in the cities of the first-class.....	157
election of.....	157
salary	159
must meet when	237
has control of licensing liquors.....	237-356
must revoke license when.....	238
shall make rules for control of place where liquors are sold....	239
may compel the attendance of witnesses.....	239
druggists' permits.....	356

EXECUTIONS—

for taxes on real estate must issue from district court.....	229-324
--	---------

EXPLOSIVES—

power to regulate sale of.....	204-300
--------------------------------	---------

FAST DRIVING—

to prevent.....	194-290
-----------------	---------

FEES AND SALARIES—

register of deeds.....	86
same, deputy.....	87
board public works, chairman	128
same, other members.....	128
city engineer, metropolitan.....	130
same, deputy.....	131
board of park commissioners.....	133
boiler inspector, metropolitan.....	134
of the several officers in metropolitan cities.....	146-147
in cities of the first class.....	159-160

	PAGE
of official paper.....	240-336
in cities of the second class.....	259
same, treasurer.....	273
FELONY—	
disposing of mortgaged property, when.....	386
FINES—	
in cities of the first class	203-242
in cities of the second class.....	338
FIRE—	
limits in metropolitan cities.....	93
same, escapes.....	94-95-206
appointment of board of, by governor	143
powers and duties of.....	144-145
department power to provide for in cities of first class.....	202
same, in the cities of second class.....	297
same, limits.....	202-297
same, escapes.....	301
FISCAL YEAR—	
in cities of the first class.....	171
in cities of the second class.....	280
FISH COMMISSION—	
appropriations for.....	608
salary of superintendent.....	617
GAMBLING—	
to suppress in cities.....	203-299
GOVERNOR—	
election of.....	358-362
may pardon convicts on fourth of July, how	387
same, who must recommend.....	387
power to pardon not abridged.....	387
to appoint judges, when.....	420
authorized to execute deed conveying certain land, to the city of Omaha.....	493
salary, appropriation for.....	597-613

GRADE—

	PAGE.
in metropolitan cities.....	100
in cities of the first class.....	190
in cities of the second class.....	308

GUARDIANS AND WARDS

of insane person, how appointed.....	577
--------------------------------------	-----

GUTTERING—

in metropolitan cities.....	101
-----------------------------	-----

HALLS—

may regulate, size	95-205-301
--------------------------	------------

HEALTH—

in metropolitan cities.....	92
regulation of in cities of the first class.....	208
same, in cities of the second class.....	303

HERD LAW—

exception, sec. 9, art. 3, chap. 2, comp. stat., repealed.....	430
suspending the law, sec. 10, art. 3, chap. 2, comp. stat., repealed	430

HIGHWAY—

notice must be given county com. when road or bridge is unsafe	77
commissioners must repair.....	77
when road or bridge on county line, com. of each county to be notified	77
counties liable for damage, when.....	78
leveling in metropolitan cities of the first class, how graded...	78-79
cities of the first class may vacate public road, when.....	152
pensioners, exempt from paying poll tax or performing labor on	579

HOLIDAYS—

no judicial business on, except.....	379
labor day.....	579

HOME FOR THE FRIENDLESS—

appropriations for.....	605
salary of officers.....	616

HOOKE COUNTY—

boundaries of.....	69
--------------------	----

HORSE RACING—

	PAGE.
to prevent.....	194-290

HOSPITALS—

establishment in metropolitan cities.....	96
same, in cities of the first class.....	210
management.....	211
meetings of board.....	211
rules of government.....	212
charitable institutions may maintain.....	212
power to establish in cities of second class.....	303

HOSPITAL FOR INSANE (LINCOLN)—

appropriations for buildings.....	593
same, general.....	602
salaries.....	615

HOSPITAL FOR INSANE (NORFOLK)—

appropriations for.....	603
salaries.....	616
fire escape.....	610

IMPROVEMENTS—

on public road leading into metropolitan and cities of first • class.....	78-79
when such improvements are outside corporate limits.....	79
cost of, how paid.....	80
work to be let to lowest bidder.....	81
special taxes for.....	117-225-317
city engineer, duties.....	130-164-264-319
park commissioners, duties of.....	131-132
tax levy for.....	133
estimates for.....	165-172-264
acceptance of, when completed.....	319
revenue from taxation of, how set apart.....	368

INDUSTRIAL HOME—

appropriation for buildings at.....	587
appropriations for.....	606
salary of officers and physician.....	617

INDUSTRIAL SCHOOL—

appropriations for buildings at.....	584
appropriations for.....	604
salaries.....	616

IRRIGATION—

	PAGE.
right to use running water.....	503
same, for a useful purpose	504
no land burdened with more than one ditch.....	504
exemption from taxation.....	504
may change place of diversion.....	504
water must be returned, how.....	504
first in right	504
notice to be posted.....	505
excavation must commence when.....	505
claimant's right.....	505
ditches heretofore made, right to water.....	506
must comply, or right will cease.....	506
record of notice.....	506
owners of land entitled to water	506
right of way.....2.....	506
liability for damage.....	507
condemnation of right of way.....	507
appraisers.....	508
oath, powers and duties.....	508
right of appeal.....	509
rams on streams.....	510
reservoirs, right of way.....	510
enlargement of ditches	511
may borrow money and issue bonds.....	511
works of internal improvement, what.....	512
ditch must be kept in repair.....	512
vested rights.....	513
water allotted according to custom	513
owners of land on line of ditch entitled to water in order of location.....	513
excessive use of water, damage	515
interfering with ditch or gate, penalty.....	515

INSANE PERSONS—

guardian, how appointed	577
-------------------------------	-----

INSTITUTE FOR THE BLIND—

appropriations for.....	605
fire escape.....	611
salaries.....	616

INSTITUTE FOR DEAF AND DUMB—

	PAGE.
appropriations for.....	605
fire escape.....	611
salaries.....	616

INSTITUTE FOR FEEBLE MINDED—

appropriations for.....	607
fire escape.....	610
salaries.....	617

INSURANCE COMPANIES—

to pay a duty for support of fire companies, when.....	422
agent must give bond, when.....	423
violation a misdemeanor.....	424
requirements, apply when.....	424
the amount the measure of damage, when.....	425
same, contract construed.....	425
attorney's fee on judgment.....	426
unincorporated mutual.....	426
foreign plate glass, may do business how.....	427

JAIL—CITY—

power to erect.....	96
---------------------	----

JAIL—COUNTY—

city may read.....	329
--------------------	-----

JUDGES AND CLERKS—

(See *Elections.*)

election of.....	358-362
------------------	---------

JUDGE—COUNTY—

election.....	358-362
to appoint guardian of insane person.....	577

JURISDICTION—

consent to purchase land by United States.....	494-496-498
ceded.....	494-496-498-500-501
same, concurrent.....	494-496-498-501
when to become vested.....	495-497-499

JURY—

	PAGE.
trial by in police court.....	244
same, fees of.....	244
in counties having a population of seventy thousand.....	408-417
county board to make a list, when.....	408
must select list for trial term, when.....	409
selections, how made.....	410
clerk district court, duty.....	410
county clerk, duty.....	410
jurors, how drawn.....	411
special panel.....	411
grand jury, how selected.....	412
same, clerk of court to issue summons.....	412
same, how constituted.....	413
petit juror, summons to issue, when.....	413
same, excess, how discharged.....	413
bystanders may be chosen, when.....	414
exhausted panel, how filled.....	415
seeking place on contempt.....	415
challenge, course of.....	416
panel, how drawn.....	417

JUSTICES OF THE PEACE—

in metropolitan cities.....	156-365
in cities of the first class.....	360-364
in cities of the second class.....	255
election of.....	358-362
must keep a record of description of estrays.....	428

LABOR DAY—

the first Monday in September.....	579
------------------------------------	-----

LEGISLATURE—

election of members.....	358-362
officers and employes of the senate.....	571
same, of the house.....	572
appropriation, incidental expenses, twenty-first session.....	594
same, for payment of officers, members and employes, twenty-first session.....	596
same, members and employes.....	611

LIBRARIES—PUBLIC—

establishment of in cities.....	96-197-293
---------------------------------	------------

LIBRARY—STATE—

	PAGE.
appropriations for.....	601
salary of deputy librarian.....	615
salary of clerk.....	615

LICENSE—

of business in metropolitan cities.....	148
same, tax.....	148
same, of liquors.....	355
of business in cities of the first class.....	193
same, liquors.....	237-356
of business in cities of the second class.....	288
same, liquors.....	334-355

LIEN—

judgment of United States district or circuit court when.....	377
filing not necessary, when.....	377
for feed and care bestowed upon live stock.....	378
same, how enforced.....	379
affidavit when filed.....	379
warehouse receipts, when.....	405

LIEUTENANT GOVERNOR—

election.....	358-362
---------------	---------

LOT—

how defined.....	107-219-314
depth for assessment purposes.....	107-219-314

LIQUORS—

unlicensed shops for the sale of to be suppressed.....	203
in cities of the first class.....	237
excise board must meet when.....	237
license issued by excise board.....	237
druggists' permits.....	237
boards of license.....	237
penalties.....	238
license must be revoked when.....	238
rules and regulations to be made by excise board.....	238
same, publication.....	239
in cities of the second class.....	334
mayor and council may regulate, how.....	334
druggists permits.....	334
boards of licenses.....	334

	PAGE.
penalties.....	335
revocation of license.....	335
keeping for sale a misdemeanor.....	380
search warrant, how issued.....	381
persons arrested, held and liquor destroyed, when.....	382
same, penalties and costs.....	383
taking or sending to place of registration.....	467
license and sale on military reservations.....	500
 MARKETS—	
care of.....	167
regulation of.....	200-266-296
 MARKET HOUSES—	
establishment of, in cities.....	200-296
same, must be submitted to a vote of the people.....	200-296
power to regulate.....	200-266-296
 MARSHALL—	
how appointed.....	158-258
salary.....	159-258
duties.....	166-265
 MAYOR—	
shall be conservator of the peace.....	140
power and duties.....	140-142-160-260
jurisdiction.....	141-162-261
appointment of special police.....	140-158-258
vacancy, how filled.....	141-162-261
must sign orders and drafts.....	142-174-278
salary.....	146-159-259
and council to license, tax and regulate business.....	148-193-288
member of excise board.....	157
veto.....	161-260
message.....	161-261
remital of fines.....	162-261
care of streets.....	167-266
and council, care of markets.....	167-267
same, require officers to exhibit accounts.....	167-266
 MEMORIALS AND JOINT RESOLUTIONS—	
prohibition—high license, submission.....	629
providing for five judges, supreme court.....	631

PAGE.

providing for an increase in salary of supreme judge	633
suspension of entries on certain public lands asked for	634

MILITARY ORDER OF THE LOYAL LEGION—

wearing the insignia or rosette, forbidden.....	578
same, penalty.....	578

MISDEMEANOR—

violation of resolution that building is unsafe.....	206-302
disturbances	299
supervisor acting without taking prescribed oath.....	436
fraudulent registration	461
violations of provisions, registration law.....	463-467
taking or sending liquors to place of registration	468
violation of provisions of trust act.....	519
wearing rosette, loyal legion.....	578

NORMAL SCHOOL—

for library of, appropriation.....	592
appropriations for	601
salary of principal, teachers, janitors.....	615

NOTICE—

given to court commissioner when highway is out of repair...	77
improving road when.....	80
of proposition to issue bonds in metropolitan cities.....	98
of sale of real estate for delinquent taxes.....	123-274
advertise for bids.....	165-265-352
of amount and nature of claim.....	168
estimates of money for all purposes	172-281
publication of ordinances	176-177-210-284-285
board of equalization meeting.....	179-270
of meeting to make special assessments.....	224-288
rules regulating saloons published.....	238
property owners liable after, of defective sidewalk.....	309
of material to be used in paving	310
finance statement	328
sale of unclaimed personal property.....	350
election on electric light bonds.....	351
diversion of cities in to justice of the peace districts.....	361-365
bank summary.....	391
precinct boundaries in cities.....	468
of appropriation of water.....	505
of election on township bridge bonds.....	574

NUISANCE—

prevention of in cities.....	PAGE. 92-205-301
------------------------------	---------------------

ORDINANCES—

rules for passing.....	176-284
style.....	177-275
publication.....	177-285
when to take effect.....	177
in case of emergency.....	177-285
for collecting taxes.....	183-274
special powers by.....	189-213-285-317
provision for revision.....	210-306
penalty for violation of.....	301

OVERSEER OF HIGHWAYS—

election.....	358-362
---------------	---------

OFFICIAL PAPER—

how designated.....	140
printers' fees.....	240

OFFICERS—

election of in cities of the first class.....	156
appointive.....	141-142-157
removal of.....	141-158
salaries of.....	146-159
who qualified.....	160
shall not become interested in contracts.....	175-344
same, penalty.....	345
shall not furnish material.....	175
perquisites forbidden.....	175
accounts.....	167-266-326
vacancy how filled.....	141
removal for misconduct in cities of the first class.....	200
bonds.....	200-295
one may not become surety for another.....	200
reports in cities of the first class.....	200
same in cities of the second class.....	1
election of in cities of the second class.....	2
same, appointive.....	2
removal.....	258-2
qualifications.....	1
emoluments may not be increased nor diminished.....	1

	PAGE.
shall not be interested in contracts.....	283
power to regulate.....	295
in counties not under township organization.....	358-362
same, under township organization.....	358-363
of certain corporations how elected.....	487
all executive, to make schedule of personal property.....	582

PARDONS—

convicts pardoned, when.....	387
who must recommend.....	387

PARKS—

establishment of.....	131-197-293
board of park commissioners.....	131
same, how appointed.....	132
same, duty of.....	132-133
in cities and villages.....	867
same, may receive by devise or gift real estate for.....	367
same, may enact rules and ordinances for protection of.....	367
police power extended over.....	368

PAVEMENTS—

petition for.....	102-214-310-102
notification of material selected.....	102
material, how selected.....	102
cost of, how met.....	102-104
of property not subject to tax.....	107
railroads shall pave right of way.....	104-111
same shall keep in repair.....	112
procedure in case of failure to pave.....	113
liability of railway company.....	112
water, gas and sewer connections to be made before paving is done.....	116
street intersections, how paved.....	104-106
to be done by contract.....	102
by street railways.....	106
paving districts.....	101

PAVING—

in cities of the first class.....	213
in cities of the second class.....	306
special taxes for.....	213-306
ordinary repairs do not apply.....	213-307

	PAGE.
districts	214-309
petition for	214-310
owners may designate material to be used	214-310
cost of, how assessed	215
tax delinquent, when	215
personal property may be seized, how	216
railway companies to pave	217-321
district paving bonds	217
 PENITENTIARY—	
appropriations for	602
 PENSIONER—	
exempt from poll tax or labor on highway	579
 PERJURY—	
officers of executive department, making false report of personal property	583
 PERSONAL PROPERTY—	
seizure of	103-216
liable for taxes in cities of the second class	272-273
unclaimed how sold	349-330
officers of the executive department to make schedule of	582
 PHARMACY—	
state board of organization	560
duties	560
meetings	561
registration	561
quorum	561
licentiates defined	562
fee	662
registered assistants	562
renewal of registration	563
must have a registered pharmacist in charge, when	564
same, penalty	564
 PHARMACIST—	
registration	561
licentiates, qualifications	562
fee	562

	PAGE.
registered as assistants, fee	563
renewal.....	563
proprietor of pharmacy must employ, when.....	564
PLAT—	
of additions.....	152-251
acknowledgement.....	152-252
when filed.....	153-252
of justice of the peace districts	365
PLUMBING—	
inspection of.....	93-94
POUNDS—	
power to provide, in cities of the second class.....	207-302
POPULATION—	
of cities of the first class	151
of cities of the second class.....	250
POLICE—	
appointment of board by governor.....	143
power and duties of board.....	144-145
chief of, how appointed	144
same, salary	146
rules and regulations.....	145
jurisdiction	147
salary of policemen.....	145
marshal.....	166-258
special.....	258
in cities of the second class.....	265-298
relief fund, how created	345
purpose of the fund.....	346
what moneys, set aside.....	346
rules of disbursement.....	347
POLICE JUDGE—	
jurisdiction.....	224-336
powers and duties	241-337
salary and fee book.....	160-260
appeal from, when taken.....	241-337
error, bill of exceptions.....	242-337
complaints	242-338

	PAGE.
finer and penalties, when fined	242-338
improvements	243-339
hearing on bench warrant	243
recognizance	243-339
witnesses	244-339
trial by jury	244-340
jurors' fees	244-340
change of venue	244
judgment	245-340
same by confession	246-341
discharge	246-341
proceedings	246-341
undertaking, continuance	246-341
challenges	247-347
punishment	247-342
vacancies in office	247-342

POLICE RESERVE FUND—

in metropolitan cities	345
how created	346
purposes of the fund	346
what moneys are set aside	346
rules for disbursement	347
board of directors, how chosen	347
same, how organized	347
pensions, who may receive	348

PRECINCT—

lines to be co-extensive with, in cities	155-255
boundaries of election, must be published	468

PRIMARIES—

regulation of	294
penalty for illegal voting at	295

PRISONERS—

cost of keeping in county jail, when paid	233-329
working in cities of the first class	247
same, in cities of the second class	342

PROPERTY—

appropriation of for public use	197-292
compensation for, taken for public use	197-292

PUBLIC CREDIT—

may borrow moneys on, in cities of the first class.....	198
same in cities of the second class.....	293

PUBLIC MONEY—

diversion of.....	99-126-170-288-566
special funds.....	127-170-280
how expended.....	172-282
must be kept separate, how.....	188-279

RAILROADS—

pavement of right of way.....	104-111
same, shall keep in repair.....	112
liability of company.....	112
procedure in case of failure.....	113
company defined.....	112-322
special taxes on what levied.....	113-323
incumbrance can not void.....	113-323
passage of through streets.....	195
regulation of in cities of first class.....	195
lighting of.....	196
flagmen.....	196
to pave when.....	217-226
refusal to pave.....	227-322
use of streets, liability.....	226
street railway company defined.....	227
in cities of the second class.....	291
regulation of.....	291
flagmen.....	292
must pave, how.....	321
must construct viaducts.....	342
trains must stop, when.....	406
same, which may cross first.....	406
company liable.....	407
engineer—penalty.....	407
must report number of sleeping and dining cars, not owned, but used.....	536
one road may aid another, how.....	576

REAL ESTATE—

order of descent.....	473
non-resident aliens restricted in right of descent.....	483
same, escheatment.....	484

	PAGE.
heirs to be paid value of land, when	484
contract to convey made by deceased person in his life-time, how enforced.....	490-491
governor authorized to make deed to certain, and convey same to Omaha	493
consent of state to purchase post office site in Omaha, granted.	494
consent to purchase military reservation in certain counties, granted.....	496
consent to purchase post office site, granted.....	498
 RECOGNIZANCE—	
before police judge, cities of the first class.....	243
same, breach.....	243
 REGISTER OF DEEDS—	
when elected.....	85
bond... ..	86
powers and duties.....	86
when term of office begins.....	86
must keep his office at county seat.....	86
compensation	86
shall not receive more than fees collected.....	87
excess of fees	86
deputy salary.....	87
 REGISTRATION—	
must make provision for, in cities.....	199-294
registers, how arranged.....	431
supervisors of registration, by whom appointed.....	432
same, qualifications.....	433
oath of office.....	433
certificate of appointment.....	434
term of office.....	434
removal.	434
challenge of applicant	435
form of oath to witness.....	435
supervisor's, compensation.....	436
same, unlawful action, penalty.....	436
refusal to serve, a misdemeanor.....	436
powers and duties.....	437
may appoint deputy, to keep order.....	437
general, when	438
revision, when.....	438

	PAGE.
same, duty of supervisors.....	438
organization.....	439
must receive applications.....	439
time of session.....	439
register entries.....	439
residence, place of.....	440
name in full.....	440
sworn, nativity color.....	440
residence, term of.....	440
citizenship, naturalization.....	441
qualified voter, how determined.....	441
date of application.....	441
duty of supervisors in revision.....	441-443
removal of voter.....	443
oath of removal.....	444
certificate of removal.....	446
copy of registers.....	447
same, bureau copy.....	448
same, public copy.....	448
city clerk to furnish books and blanks.....	449
registers, how signed.....	449
same, certificate of authentication.....	450
same, custody of.....	451
list of voters to be posted.....	452
same, blank form.....	453
certificate, form of.....	453
judges of election.....	454
unregistered person, may vote.....	454
city clerk must certify affidavit of voter.....	455
mayor may designate person to certify.....	455
hearings on challenge.....	457
place of registration, how selected.....	457
challengers, how appointed.....	458
persons registered in one precinct may vote in another.....	458
majority rule.....	459
must attend during hours of registration.....	459
books and records open to inspection.....	459
revision for special election.....	460
number of votes cast must be declared before canvassing.....	460
precinct defined.....	461
penalty for fraudulent registration.....	461
misconduct by supervisors, penalty.....	463

	PAGE.
mutilating or destroying records by officer.....	463
same, by persons not officers.....	463
perjury.....	464
subornation of perjury.....	464
breach of the peace	464
obstructing or interfering with supervisors	465
willful neglect of duty.....	466
can not act in absence of majority	466
must not be absent without urgent necessity.....	467
county attorney, duties	467
taking or sending liquors to place of registration.....	467
irregularities not a defense.....	468
publication of precinct boundaries.....	468
all expense of registration, how paid.....	469

REPORT—

annual fiscal.....	142
same, in cities of the second class.....	262
monthly, city clerk.....	262
same, city comptroller.....	137
power to require official.....	296
of light commissioner.	353
bankers.....	390
bank examiner.....	392
of township, city or village treasurer.....	526
of the state board of pharmacy.....	361

REVENUE—

arising from taxation of internal improvements, how set apart.	368
duplicate lists, receipt book.....	523
bond of township, city or village treasurer.....	524
collectors must account to county treasurer.....	526
same, return and final settlement.....	527
taxes how collected.....	531
board of equalization in cities of the second class.....	537
vacated town sites.....	538
equalization of assessments	555
school lands how taxed	557

RIGHT OF WAY—

pavement of... ..	104-111
plat must be recorded.....	97
how acquired.....	234
for irrigating ditches	506-511

RIOTS—

	PAGE.
to prevent.....	204-299

SALINE LANDS—

to be leased.....	580
abstracts.....	580
appraisement.....	580
notice, offered for lease.....	581
leases, rental, improvements.....	581
action.....	581
rental funds, how invested.....	582
forfeiture.....	582

SCHOOLS—

formation of new districts..	540-542
annual meeting.....	542-555
qualifications of voters.....	542
adjournment.....	543
change of site.....	543
site, purchase, lease, tax.....	543
tax, how expended.....	544
time, school shall be taught.....	544
sale of property.....	545
vacancy in office.....	545-549
census.....	546
estimate of expenses, statement of orders.....	546
annual report.....	547
statement of valuation and taxes collected.....	548
report of taxes voted.....	549-554
district board.....	550
diplomas—certificates.....	550
levy of taxes for county purposes.....	552
duty of city and village authorities.....	553
accounts, in metropolitan cities.....	559

SEARCH WARRANTS—

in liquor cases, how issued.....	381
same, proceedings under.....	382-384

SECRETARY OF STATE—

election of.....	358-362
duty, under act providing for a bounty on sugar....	521
must appoint resident inspector, when.....	522

	PAGE.
certify claim for bounty to state auditor.....	523
appropriations for	598
salary.....	614
same, deputy, book-keeper, recorder, clerk.....	614

SEWERS—

in metropolitan cities.....	116
connections must be made before paving.....	116
assessment for connections.....	116
method of levying special tax.....	118
special assessments for.....	222
bonds for.....	233-329
same, vote of the people.....	233-329
power to establish and regulate.....	297
a system must be adopted, when.....	330

SHERIFF—

election	358-362
----------------	---------

SIDE-WALKS—

construction and repair of.....	99-287
plank walk.....	100-191-287-309
defective, when property owner is liable.....	101-309
power to set aside space for in cities of the first class.....	190
grade	190
work must be done by contract, how.....	191
assessment for.....	192
owners of real property to keep walk's in repair.....	193

SINKING FUND—

must make provision for in cities of the first class.....	198
same in cities of the second class.....	293

SLAUGHTER HOUSES—

construction and regulation.....	92-208-303
----------------------------------	------------

SOLDIERS' RELIEF COMMISSION--

how appointed.....	528
oath and bond	529
duties.....	529
detailed report	530
removal.	530

SOLDIERS' AND SAILORS' HOME—

	PAGE.
establishment.....	569
qualification for admission.....	569
widows and children.....	569
applications for admission, how made.....	570
appropriations for	606
fire escape.....	611
salaries	617

STATE—

escheated estates.....	484
consent to purchase land by the United States.....	494-496-498
jurisdiction over Fort Niobrara and Fort Robinson ceded.....	499
dining and sleeping car taxes, board of equalization.....	536

STATE BOARD OF TRANSPORTATION—

appropriations for.....	608
salaries.....	617

STATE HORTICULTURAL SOCIETY—

appropriations for support of	610
-------------------------------------	-----

STATE PRINTING—

appropriation, advertising for proposals for.....	610
laws, journals and other work.....	610

STATE UNIVERSITY—

appropriation for library for	590
appropriation for	608
salaries.....	617

STEAM BOILERS—

inspection of	93
dangerous condition of	95

STREETS—

county board may aid in grading, when.....	78
shall be continuous	91-153-253
lighting of.....	95-195-290
how opened and extended	99
ordinary repairs and grade.....	100
petition for grade	100-214-308
petition for curbing and guttering.....	101

	PAGE.
petition for paving	102-301
material for paving, how designated	102-214
cost of	102
the word street defined	107
• commissioner of	167
care of	167-266
power to provide for grades and repairs	189-285
same, care and control	189
sprinkling	190-286
sidewalks	190
grade	190
obstructions, removal	193-194-289
horses standing in	194-289
to regulate traffic	194-195-290
fast driving	194-290
paving	213-221-306
same, intersections	221-317
planting trees	289
street railways	291-321

STREET COMMISSIONER—

powers and duties of	167
in the cities of the second class	265

STREET RAILROADS—

constitutional provisions	52
in metropolitan cities	111
in cities of the first class	195-226
in cities of the second class	291-321
an act governing consolidation	398-403
consolidation of	398
same, agreements	399
must be filed when	400
rights vested in new corporation	400
aid by subscription to capital	401
may lease or purchase, how	401
may issue bonds and borrow money	402
the words "street railway" defined	402

SUGAR—

bounty	521
claim must be filed with the Secretary of State	521
duty of Secretary of State	521

	PAGE.
resident inspector, how appointed..	522
same, duty and compensation.....	522
warrant for bounty, how drawn.....	523

SUPERINTENDENT OF SCHOOLS—STATE—

election.....	358-362
appropriations for.....	599
salary.....	614

SUPERINTENDENT OF SCHOOLS—COUNTY—

election	358-362
----------------	---------

SUPERSEDEAS—

undertaking.....	371-372
court to fix amount of bond.....	372-373
when executed.....	371-374
to continue injunction, when.....	372-374

SUPERVISORS—TOWNSHIP—

regular meetings.....	76
per diem and mileage.....	84
election of.....	359-363

SUPPRESSION OF INDECENCIES—

nuisances.....	92
unlicensed tippling shops..	203
houses of prostitution.....	203
opium joints.....	203
gambling.....	203
desecration of the Sabbath.....	203
disorderly assemblies.....	204
drunkenness.....	204
business detrimental to health.....	93

TAXES—

(In Metropolitan Cities.)

when delinquent	103-110-121
collection of.....	103-114-124
seizure of personal property.....	103
payment under protest.....	110
suit for recovery.....	110
special, on what levied.....	113-117
incumbrance can not void.....	113

	PAGE.
executions upon real estate must issue from district court.....	115
payable in installments.....	115
sewerage.....	118
same, method of levying.....	118
objects for which taxes may be levied.....	118-119
assessment roll, how made.....	119-178
city clerk must make tax list.....	122
errors corrected by city treasurer.....	122-181
delinquent list, how made.....	123
same, must be sent to county treasurer.....	123
sale and redemption.....	123
notice of collections, sent to county treasurer.....	124-185
park fund—levy.....	133

(In Cities of the First Class.)

levy.....	177
same, special police fund.....	177
same, fire fund.....	178
poll tax.....	178
dog tax.....	179-193
equalization.....	179
notice.....	179
tax list, when made.....	180
when delinquent.....	181
tax warrant, form.....	181
powers and duties, city treasurer.....	182
property liability.....	183
ordinances for collecting.....	183
how paid.....	183
sale of real estate for.....	184
tax liens.....	186
irregularities do not invalidate.....	186
same, re-levy.....	186
council may correct assessments.....	187
special, delinquent, when.....	187
same, county treasurer, duty.....	187
city treasurer's books, how kept.....	187
for what purposes city has power to levy.....	189
occupation.....	193
paving, delinquent when.....	215
collection by distress, when.....	223
how made payable in installments.....	230
annual levy for sewerage and waterworks.....	236

(In Cities of the First Class Having Less Than 25,000 Inhabitants.)

	PAGE.
levy—ten mill limit.....	268
special police fund.....	269
same, fire fund.....	269
annual levy.....	270
same, for sewerage and waterworks.....	330
tax list, when made.....	271
delinquent, when.....	271
personal property liable for.....	272-273
sale of real estate for.....	274-275-276
special tax, when delinquent.....	277
power to levy.....	285
dog tax.....	288
special improvement tax, when due.....	318
proceedings under officer's warrant.....	318
poll tax.....	327
how paid.....	335
for electric light.....	352
board of equalization.....	537
on vacated town sites.....	538
equalization of assessments.....	555
on school lands.....	557

THURSTON COUNTY—

boundaries of.....	71
--------------------	----

TOWNSHIP—

may purchase bridge, when.....	573
may issue bonds.....	573
same, regulation.....	574
same, limit.....	575

TRAMPS—

to provide for the punishment of.....	205-299-300
---------------------------------------	-------------

TREASURER—CITY—

election.....	156-256
duties.....	125-162-262
bond.....	163-262
may correct errors in tax list.....	122-163-271
shall make out delinquent list.....	123-184-274
must notify county treasurer of collection of delinquent tax.....	124-275

	PAGE.
monthly reports.....	125-263
annual report.....	126-188-279
bond.....	163-262
keep separate accounts.....	163-262
render account under oath.....	163-263
vacancy, how declared and filled.....	164-263
deputy.....	164-273
same, salary.....	164
same, liability.....	164
removal for violation of law to keep public money separate.....	188-279
must keep a register of warrants.....	188
delinquent tax collector.....	263
power under tax warrant.....	163-273
fees.....	159-182-273
and clerk must keep books, how.....	278
in cities in counties under township organization.....	524-527
 TREASURER—COUNTY—	
shall receive delinquent tax list.....	123-274
must advertise delinquent list.....	123-274
must pay over tax collected, when.....	277
election.....	358-362
duty in the collection of taxes.....	531
 TREASURER—STATE—	
election.....	358-362
authorized to transfer certain funds.....	594
appropriations for.....	599
salary.....	614
 TREASURER—TOWNSHIP—	
election.....	358-362
bond and oath.....	524-525
returns to county treasurer.....	526
final settlement.....	527
must call on person taxed, when.....	531
 TRUSTS—	
pooling and combinations to fix prices.....	516
same, each day a separate offense.....	517
same, damage, attorneys.....	518
unincorporated companies forfeit rights to do business.....	518
same, duty of county attorney.....	519

	PAGE.
violation of provisions of this act a misdemeanor.....	519
court may compel attendance of persons and the production of books and papers.....	520
labor associations excepted.....	520
UNIVERSITY OF NEBRASKA—	
regents, election of.....	357-362
VAGRANTS—	
in cities of the first class.....	205
in cities of the second class.....	299-300
VIADUCTS—	
railway companies to construct.....	342
VICIOUS PRACTICES—	
suppression and regulation of in metropolitan cities.....	92
same, in cities of the first class.....	203
same, in cities of the second class.....	299
VILLAGES—	
and cities of the second class may issue bonds to aid building court house.....	81
officers of, must not be interested in contracts.....	345
same, penalty.....	345
corporate authority of, to regulate or prohibit sale of liquors..	355
treasurer, accounts and returns	524 527
VOTERS—	
to make provision for registration of, in cities.....	199-294
qualification of in cities.....	158-258
an act to require and regulate registration.....	431-469
who are, at school meetings.....	542
WARDS—	
in cities of the first class.....	199
in cities of the second class.....	255-294
WARRANTS—	
ratio of, to tax levied.....	120-278
in metropolitan cities	124
same, how signed.....	142-174-278
who shall keep register of.....	188-279
what must be stated in.....	174-279

WAREHOUSEMEN—

	PAGE.
who are.....	405
receipts, negotiable and a lien, when.....	405

WATER COMMISSIONER—

in cities of the first class.....	235
bond of.....	235
duties of.....	235
in cities of the second class.....	332
bond of.....	332
duties.....	332-333

WATER TAX—

power to fix rate of in cities of first class.....	201
same, in cities of the second class.....	297

WATER WAYS—

power to establish in cities of the first class.....	202
same, in cities of the second class.....	297

WATER WORKS—

in cities of the first class.....	233
same, in cities of the second class.....	329
mayor and council to have control.....	233-329
individuals may construct, how.....	234-331
contract limit.....	234-331
authority to contract, how obtained.....	235-332
extension of works.....	330
a system must be adopted, when.....	330

WAYNE COUNTY—

boundaries of.....	70
--------------------	----

WEIGHTS AND MEASURES—

in cities of the first class.....	203
same, inspection.....	203
in cities of the second class.....	298
same, inspection.....	298

WORK HOUSES—

in metropolitan cities.....	96
establishment in cities of the first class.....	208
same, in cities of the second class.....	303

